

SENATE BILL No. 452

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-9-5; IC 3-10; IC 3-11; IC 3-11.7-1; IC 3-12; IC 3-13; IC 5-4-1-2; IC 20-23; IC 20-25-3-4; IC 33-33-53-5; IC 33-35-1; IC 36-1; IC 36-1.5-4; IC 36-3; IC 36-4; IC 36-5; IC 36-8; IC 36-10-3-35.

Synopsis: Kernan-Shepard election provisions. Moves elections of municipal officers to even-numbered years. Provides that an employee of a political subdivision is considered to have resigned from employment with the political subdivision if the employee assumes the elected executive office of the political subdivision or becomes an elected member of the political subdivision's legislative body. Provides that the restriction applies to an employee of a political subdivision who assumes an elected office after June 30, 2009. Provides that the restriction does not apply to an employee of a political subdivision who holds elective office on June 30, 2009, and continues to hold or be reelected to the office. Provides that the restriction does not prohibit an employee of a political subdivision from holding an elected office of a political subdivision other than the political subdivision that employs the government employee. Establishes the use of vote centers as an option for all counties. Requires the county election board (board) to adopt an order designating a county a vote center county, adopt a plan to administer the vote centers, and file the order and the plan with the election division. Requires the board to accept and consider public comment before adopting an order designating the county as a vote center county. Provides that designation of a county as a vote center county remains in effect until the board rescinds the order designating

(Continued next page)

Effective: July 1, 2009.

Lawson C

January 14, 2009, read first time and referred to Committee on Elections.



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the county as a vote center county and files a copy of the rescission with the election division. Redesignates automatically as a vote center county a county previously designated a vote center pilot county. Provides that school board members selected by election must be elected at general elections. Provides that the legislative body of a second class city appoints the city clerk and that the mayor of a third class city appoints the city clerk-treasurer. Provides that an individual elected as city clerk or clerk-treasurer at the 2007 elections may serve in that office until January 1, 2012. Repeals statutes related to the filling of a vacancy in the office of city clerk or clerk-treasurer. Repeals the expiration date of the vote center program and provisions that: (1) require the secretary of state's approval of the vote center designation; and (2) allow the secretary of state to revoke the vote center designation. Repeals other obsolete and superseded statutes.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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SENATE BILL No. 452

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-5-1-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2009]: Sec. 2. The types of elections to which
3 this title applies are classified as follows:
4 (1) General election, which is conducted statewide on the first
5 Tuesday after the first Monday in November of each
6 even-numbered year.
7 (2) ~~Municipal election, in which the electorate of a municipality~~
8 ~~chooses by ballot public officials for the municipality or decides~~
9 ~~a public question lawfully submitted to the electorate of the~~
10 ~~municipality.~~
11 (3) (2) Primary election, which is conducted for the purpose of
12 choosing by ballot the following:
13 (A) The candidates who will be the nominees of a political
14 party for elected offices in a general ~~or municipal~~ election.
15 (B) The precinct committeemen of a political party.



(C) The delegates to a political party's state convention.

~~(4)~~ (3) School district election, in which the electorate of a school district chooses by ballot members of the school board.

~~(5)~~ (4) Special election, which is conducted for a special purpose as provided by law.

SECTION 2. IC 3-5-1-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 3. (a) Whenever this title or IC 36 refers to a primary election, the reference includes, where applicable, the 2011 primary election to nominate candidates for municipal offices.**

(b) Whenever this title or IC 36 refers to a general election, the reference includes, where applicable, the 2011 general election to elect candidates for municipal offices.

(c) This section expires January 1, 2012.

SECTION 3. IC 3-5-2-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 33. "Nominee" means a candidate:**

(1) nominated by a political party at a primary election or convention under this title as the party's candidate for an elected office in a general ~~municipal~~, or special election; or

(2) nominated by petition for an elected office.

SECTION 4. IC 3-5-2-33.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 33.3. "Nonpresidential election year" refers to an even-numbered year that is not a presidential election year.**

SECTION 5. IC 3-5-2-40.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 40.4. "Presidential election year" refers to a year in which an election for electors for President of the United States is held.**

SECTION 6. IC 3-5-2-49.9, AS AMENDED BY P.L.108-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 49.9. (a) "Vote center" means a polling place where a voter who resides in the county in which the vote center is located may vote without regard to the precinct in which the voter resides.**

(b) This section expires December 31, 2010.

SECTION 7. IC 3-5-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1. (a) Except as provided in sections 7 through 10 of this chapter, the county auditor shall pay the expenses of voter registration and for all election supplies, equipment, and expenses out of the county treasury in the manner provided by law. The county fiscal body shall make the necessary appropriations for**

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these purposes.

(b) The county executive shall pay to the circuit court clerk or board of registration the expenses of:

(1) removing voters from the registration record under IC 3-7-43, IC 3-7-45, or IC 3-7-46; and

(2) performing voter list maintenance programs under IC 3-7; out of the county treasury without appropriation.

(c) **Except as provided in subsection (d)**, registration expenses incurred by a ~~circuit court clerk or board of county voter registration office~~ for:

(1) the salaries of members of a board of registration appointed under IC 3-7-12-9;

(2) the salaries of chief clerks appointed under IC 3-7-12-17; and

(3) the salaries of assistants employed under IC 3-7-12-19;

may not be charged to a municipality. ~~However, the~~

(d) A municipality may be charged for wages of extra persons employed to provide additional assistance reasonably related to the municipal election. **This subsection expires January 1, 2012.**

SECTION 8. IC 3-5-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) All expenses for a municipal primary election or municipal election that is conducted by a county election board shall be allowed by the county executive and shall be paid out of the general fund of the county, without any appropriation being required. The county auditor shall certify the amount of that allowance to the fiscal officer of the municipality not later than thirty (30) days after the municipal primary or municipal election. The fiscal body of the municipality shall make the necessary appropriation to reimburse the county for the expense of the primary election or election not later than December 31 of the year in which the municipal election is conducted.

(b) This section expires January 1, 2012.

SECTION 9. IC 3-5-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) Except as provided in subsection (b), during the period that begins ninety (90) days before a municipal primary election and continues until the day after the following municipal election, all expenses of the primary election and election that cannot be chargeable directly to any municipality shall be apportioned as follows:

(1) Twenty-five percent (25%) to the county.

(2) Seventy-five percent (75%) to the municipalities in the county holding the municipal primary election and municipal election.

(b) The apportionment made under subsection (a) does not apply to

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a town that has entered into an agreement with the county under IC 3-10-7-4 to pay the county a fixed amount for the expenses described in subsection (a).

(c) This section expires January 1, 2012.

SECTION 10. IC 3-5-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) Except as provided in subsection (c), whenever more than one (1) municipality in a county conducts a municipal primary election, the seventy-five percent (75%) of expenses that cannot be chargeable directly to any particular municipality under section 8 of this chapter shall be apportioned to each municipality in the same ratio that the number of voters who cast a ballot in the municipality at the municipal primary election bears to the total number of voters who cast a ballot in all of the municipalities in the county at that municipal primary election.

(b) Except as provided in subsection (c), whenever more than one (1) municipality in a county conducts a municipal election, the seventy-five percent (75%) of expenses that are not chargeable directly to any particular municipality under section 8 of this chapter must be apportioned to each municipality in the same ratio that the number of voters who cast a ballot in the municipality at the municipal election bears to the total number of voters who cast a ballot in all of the municipalities in the county that conducted a municipal election.

(c) The apportionment made under subsection (a) does not apply to a town that has entered into an agreement with the county under IC 3-10-7-4 to pay the county a fixed amount for the expenses described in subsection (a).

(d) This section expires January 1, 2012.

SECTION 11. IC 3-5-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) The county election board shall, on a form prescribed under IC 3-6-4.1-14, itemize all the expenses of any election for which a municipality is required to reimburse the county.

(b) This section expires January 1, 2012.

SECTION 12. IC 3-5-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) Notwithstanding section 7 of this chapter, in a year in which a town election coincides with a general election, the county election board may not assess the town for the cost of the election.

(b) This section expires January 1, 2012.

SECTION 13. IC 3-5-4-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) As used in this section, "governing body"

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refers to the governing body of a school corporation that is subject to any of the following:

(1) IC 20-23-4-30.

(2) IC 20-23-7-8 (before its repeal on July 1, 2009) and IC 20-23-7-8.1 (after June 30, 2009).

(3) IC 20-23-8-8.

(4) IC 20-23-10-8.

(5) IC 20-23-12.

(6) IC 20-23-13.

(7) IC 20-23-14.

(8) IC 20-25-3-4.

(b) This subsection applies to a member of a governing body who is elected at the 2008 primary election. The successor of such a member shall:

(1) be elected at the 2012 general election; and

(2) take office January 1, 2013.

(c) This subsection applies to a member of a governing body who is elected at the 2010 primary election. The successor of such a member shall:

(1) be elected at the 2014 general election; and

(2) take office January 1, 2015.

(d) This section expires July 1, 2015.

SECTION 14. IC 3-5-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. Not later than thirty (30) days before a primary or general or municipal election, the secretary of state shall request Indiana news media to include a copy of the voter's bill of rights as part of election coverage or in public service announcements.

SECTION 15. IC 3-5-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 9. Government Employees Holding Office

Sec. 1. (a) This chapter applies to a government employee who, after June 30, 2009, assumes an elected office of the political subdivision that employs the individual.

(b) This chapter does not apply to a government employee who, on June 30, 2009, holds an elected office of the political subdivision that employs the individual, as long as the individual continues to:

(1) hold; or

(2) be reelected to;

the elected office the individual held on June 30, 2009.

Sec. 2. As used in this chapter, "elected office" refers only to the following:

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(1) The elected executive of a political subdivision.

(2) An elected member of the legislative body of a political subdivision.

Sec. 3. As used in this chapter, "government employee" refers to an employee of a political subdivision. The term does not include an individual who holds an elected office.

Sec. 4. An individual is considered to have resigned as a government employee when the individual assumes an elected office of the political subdivision that employs the individual.

Sec. 5. This chapter does not prohibit a government employee from holding an elected office of a political subdivision other than the political subdivision that employs the government employee.

SECTION 16. IC 3-6-4.2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) Each year in which a general ~~or municipal~~ election is held, the election division shall call a meeting of all the members of the county election boards and the boards of registration to instruct them as to their duties under this title and federal law (including HAVA and NVRA). The election division may, but is not required to, call a meeting under this section during a year in which a general ~~or a municipal~~ election is not held.

(b) Each circuit court clerk shall attend a meeting called by the election division under this section.

(c) The co-directors of the election division shall set the time and place of the instructional meeting. In years in which a primary election is held, the election division:

(1) may conduct the meeting before the first day of the year; and

(2) shall conduct the meeting before primary election day.

The instructional meeting may not last for more than two (2) days.

(d) Each member of a county election board or board of registration and an individual who has been elected or selected to serve as circuit court clerk but has not yet begun serving in that office is entitled to receive all of the following:

(1) A per diem of twenty-four dollars (\$24) for attending the instructional meeting called by the election division under this section.

(2) A mileage allowance at the state rate for the distance necessarily traveled in going and returning from the place of the instructional meeting called by the election division under this section.

(3) Reimbursement for the payment of the instructional meeting registration fee from the county general fund without appropriation.

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(4) An allowance for lodging for each night preceding conference attendance equal to the lodging allowance provided to state employees in travel status.

SECTION 17. IC 3-6-5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. (a) Each county election board shall submit a report to the election division after each primary, special, ~~municipal~~, and general election describing the activities of the board during the previous year. The board shall include the following in the report:

(1) Information relating to the expenses of office maintenance and elections within the county or political subdivisions within the county.

(2) A copy of the statement of the county election board containing the votes cast for each candidate and on each public question in each precinct at the last election preceding the submission of the report.

(3) Any additional information relating to elections that the commission prescribes.

(b) The report described in subsection (a) must be postmarked, hand delivered, or transmitted to the election division using the computerized list under IC 3-7-26.3 not later than fourteen (14) days after each election.

(c) The election division shall send a copy of each report to the office not later than ten (10) days after receiving the report.

SECTION 18. IC 3-6-5-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 28. (a) The sheriff of a county, for a general election, and the chief law enforcement officer of a municipality, for a municipal election, shall serve all processes issued by a county election board.

(b) The chief law enforcement officer of a municipality shall serve all processes issued by a county election board for the 2011 municipal election. This subsection expires January 1, 2012.

SECTION 19. IC 3-6-5-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 33. ~~The county sheriff, the chief law enforcement officer of a municipality within the county, and other~~ All law enforcement officers shall assist a county election board, upon request, in the enforcement of the election laws and the discharge of its duties, including the use of police radio and telephone service on election days.

SECTION 20. IC 3-6-6-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 27. (a) **Except as provided in subsection (b),** the county executive shall fix the

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compensation paid under sections 25 and 26 of this chapter for all elections. ~~except municipal elections held by towns under IC 3-10-7.~~

(b) This subsection applies to municipal elections held in 2011.

The fiscal body of a town holding a municipal election under IC 3-10-7 shall fix the compensation paid under sections 25 and 26 of this chapter. **This subsection expires January 1, 2012.**

SECTION 21. IC 3-6-8-4, AS AMENDED BY P.L.221-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. A watcher appointed under this chapter is entitled to **do the following**:

(1) Enter the polls at least thirty (30) minutes before the opening of the polls and remain there throughout election day until all tabulations have been completed.

(2) Inspect the paper ballot boxes, ballot card voting system, or electronic voting system before votes have been cast.

(3) Inspect the work being done by any precinct election officer.

(4) Enter, leave, and reenter the polls at any time on election day.

(5) Witness the calling and recording of the votes and any other proceedings of the precinct election officers in the performance of official duties.

(6) Receive a summary of the vote prepared under IC 3-12-2-15, IC 3-12-3-2, IC 3-12-3-11, or IC 3-12-3.5-3, signed by the precinct election board, providing:

(A) the names of all candidates of the political party whose primary election is being observed by the watcher and the number of votes cast for each candidate;

(B) the names of all candidates at a general ~~municipal~~, or special election and the number of votes cast for each candidate; or

(C) the vote cast for or against a public question.

(7) Accompany the inspector and judge in delivering the tabulation and election returns to the county election board by the most direct route.

(8) Be present when the inspector takes a receipt for the tabulation and election returns delivered to the county election board. ~~and~~

(9) Call upon the election sheriffs to make arrests.

SECTION 22. IC 3-6-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) If:

(1) twenty-six percent (26%) or more of all candidates of a political party who are candidates for:

(A) nomination to elected offices at a ~~county~~ primary election,

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(for municipal primary election within the municipality in which the municipal primary is to be conducted); not including candidates for delegates to the state convention or candidates for precinct committeemen; or

(B) precinct committeemen at an election for precinct committeemen, whose names are certified to the county election board as candidates to be voted for at the primary election for precinct committeemen; or

(2) any candidate or group of candidates for a school board office; desire to have watchers at the polls in any precinct, ~~of the county or municipality~~; they shall sign a written statement indicating their desire to name watchers.

(b) If the candidates signing the statement are candidates for nomination at a ~~county~~ primary election or for election as precinct committeemen or to a school board office, the written statement shall be filed with the circuit court clerk of the county where the candidates reside.

(c) If the candidates signing the statement are candidates for nomination at a municipal primary election, the written statement shall be filed with the circuit court clerk of the county that contains the greatest percentage of the population of the election district. **This subsection expires January 1, 2012.**

SECTION 23. IC 3-6-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) An attorney-in-fact designated under section 2 of this chapter shall file with the circuit court clerk the names of the voters of the county ~~or municipality~~ who are to act as watchers in the precincts designated in the written statement.

(b) The attorney-in-fact may certify watchers from voters of the county ~~or municipality~~ without regard to precinct boundary lines.

(c) A watcher designated under this section:

(1) may not be a candidate to be voted for at the election, except as an unopposed candidate for precinct committeeman or state convention delegate; and

(2) must be a registered voter of the county.

SECTION 24. IC 3-7-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) A person who:

(1) will be at least eighteen (18) years of age at the next general ~~municipal~~, or special election;

(2) is a United States citizen; and

(3) resides in a precinct continuously before a general ~~municipal~~, or special election for at least thirty (30) days;

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may, upon making a proper application under this article, register to vote in that precinct.

(b) This subsection applies to the 2011 municipal election. A person who:

(1) will be at least eighteen (18) years of age on November 8, 2011;

(2) is a United States citizen; and

(3) resides in a precinct continuously before November 8, 2011, for at least thirty (30) days;

may, upon making a proper application under this article, register to vote in that precinct. This subsection expires January 1, 2012.

SECTION 25. IC 3-7-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. A person who ~~on the day of the next general, municipal, or special election,~~ will meet the age and residency requirements of section 1 of this chapter may register and vote in the primary election.

SECTION 26. IC 3-7-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) This section applies to a person who:

~~(1) on the day of the next general, municipal, or special election,~~ will meet the age and residency requirements of section 1 of this chapter; and

(2) does not meet the age or residency requirements on primary election day.

(b) A person described in subsection (a) may not cast a ballot:

(1) for candidates for:

(A) elected offices;

(B) precinct committeeman; or

(C) state convention delegate; or

(2) on public questions;

to be voted on at the same time that the primary election is conducted.

SECTION 27. IC 3-7-13-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) The registration period begins December 1 of each year (or the first Monday in December if December 1 falls on a Saturday or Sunday).

(b) The registration period continues through the twenty-ninth day before the date a primary election is scheduled under this title.

(c) The registration period resumes fourteen (14) days after primary election day and continues through the twenty-ninth day before the date a general ~~or municipal~~ election is scheduled under this article.

(d) This subsection applies in each precinct in which a special election is to be conducted. The registration period ceases in that

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precinct on the twenty-ninth day before a special election is conducted and resumes fourteen (14) days after the special election occurs.

SECTION 28. IC 3-7-14-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. If an individual is registering to vote after the twenty-ninth day before the date that a primary, general, ~~municipal~~, or special election is scheduled in the precinct where the voter resides, the employee of the bureau of motor vehicles commission who provides an individual with a driver's license or an identification card application shall do the following:

(1) Inform the individual that license branch registration will not permit the individual to vote in the next election.

(2) Inform the individual of other procedures the individual may follow to vote in the next election.

SECTION 29. IC 3-7-15-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. If an individual is registering to vote after the twenty-ninth day before the date that a primary, general, ~~municipal~~, or special election is scheduled in the precinct where the voter resides, the employee of the office who provides an individual with an application for assistance or services under section 3 of this chapter shall do the following:

(1) Inform the individual that office registration will not permit the individual to vote in the next election.

(2) Inform the individual of other procedures the individual may follow to vote in the next election.

SECTION 30. IC 3-7-16-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. If an individual is registering to vote after the twenty-ninth day before the date that a primary, general, ~~municipal~~, or special election is scheduled in the precinct where the voter resides, the employee or a volunteer of the office who provides an individual with an application for assistance or services under this chapter shall do the following:

(1) Inform the individual that office registration will not permit the individual to vote in the next election.

(2) Inform the individual of other procedures the individual may follow to vote in the next election.

SECTION 31. IC 3-7-16-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 33. The NVRA official shall notify the governing body of the agency of the following:

(1) The scheduled date of each primary, general, ~~municipal~~, and special election.

(2) The jurisdiction in which the election will be held.

SECTION 32. IC 3-7-18-9 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. If an individual is
 2 registering to vote after the twenty-ninth day before the date that a
 3 primary, general, ~~municipal~~, or special election is scheduled in the
 4 precinct where the voter resides, the employee or volunteer of the
 5 office who provides an individual with an application for assistance or
 6 services under this chapter shall do the following:

7 (1) Inform the individual that office registration will not permit
 8 the individual to vote in the next election.

9 (2) Inform the individual of other procedures the individual may
 10 follow to vote in the next election.

11 SECTION 33. IC 3-7-18-24 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 24. The NVRA official
 13 shall notify the governing body of the agency of the following:

14 (1) The scheduled date of each primary, general, ~~municipal~~, and
 15 special election.

16 (2) The jurisdiction in which the election will be held.

17 SECTION 34. IC 3-7-27-17 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. (a) The registration
 19 record used at any municipal primary or municipal election is that part
 20 of the registration record of the county in which the municipality is
 21 located.

22 **(b) This section expires January 1, 2012.**

23 SECTION 35. IC 3-7-28-2 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) This section does
 25 not apply to confidential information included on a voter registration
 26 application.

27 (b) Copies of all registration applications executed under this article
 28 during that part of a registration period ending sixty-five (65) days
 29 before a primary ~~or~~ general ~~or~~ ~~municipal~~ election shall be forwarded
 30 not later than sixty (60) days before the election to the following upon
 31 request:

32 (1) Each of the county chairmen of the major political parties of
 33 the county.

34 (2) The chairman of the following:

35 (A) A bona fide political party that has at least one (1)
 36 candidate on the ballot of the election.

37 (B) An independent candidate's committee if the candidate is
 38 on the ballot at the election.

39 SECTION 36. IC 3-7-28-3 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. Copies of all
 41 memoranda executed under this article during that part of a registration
 42 period beginning sixty-five (65) days before a primary ~~or~~ general ~~or~~

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1 ~~municipal~~ election and ending twenty-nine (29) days before the
 2 election shall be forwarded daily and within forty-eight (48) hours of
 3 the date on which the memoranda were originally made to the
 4 following upon request:

5 (1) Each of the county chairmen of the major political parties of
 6 the county.

7 (2) The chairman of the following:

8 (A) A bona fide political party that has at least one (1)
 9 candidate on the ballot of the election.

10 (B) An independent candidate's committee if the candidate is
 11 on the ballot at the election.

12 SECTION 37. IC 3-7-28-14 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. The ~~circuit court~~
 14 ~~clerk or board of county voter~~ registration office shall provide a list of
 15 the names and addresses of all voters whose registrations have been
 16 canceled under this article not later than sixty (60) days before election
 17 day to the following upon request:

18 (1) The county chairmen of the major political parties of the
 19 county.

20 (2) The chairman of the following:

21 (A) A bona fide political party of the county.

22 (B) An independent candidate's committee participating in a
 23 primary ~~or~~ general ~~or municipal~~ election.

24 After that date, upon request the clerk or board shall report
 25 cancellations daily and within forty-eight (48) hours after the day on
 26 which the cancellations were made, until election day.

27 SECTION 38. IC 3-7-38.2-2, AS AMENDED BY P.L.1-2007,
 28 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2009]: Sec. 2. (a) A voter list maintenance program conducted
 30 under this chapter must:

31 (1) be uniform, nondiscriminatory, and in compliance with the
 32 Voting Rights Act of 1965 (42 U.S.C. 1973);

33 (2) not result in the removal of the name of a person from the
 34 official list of voters solely due to the person's failure to vote; and

35 (3) be completed not later than ninety (90) days before a primary
 36 ~~or~~ general ~~or municipal~~ election.

37 (b) A county voter registration office may conduct a voter list
 38 maintenance program that complies with subsection (a). In conducting
 39 a voter list maintenance program, the county voter registration office
 40 shall mail a notice described in subsection (d) to each registered voter
 41 at the residence address:

42 (1) listed in the voter's registration record; and

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(2) determined by the county voter registration office not to be the voter's current residence address.

(c) A county voter registration office may use information only from the following sources to make the determination under subsection (b)(2):

(1) The United States Postal Service National Change of Address Service.

(2) A court regarding jury duty notices.

(3) The return of a mailing sent by the county voter registration office to all voters in the county.

(4) The bureau of motor vehicles concerning the surrender of a voter's Indiana license for the operation of a motor vehicle to another jurisdiction.

(d) The notice described in subsection (b) must:

(1) be sent by first class United States mail, postage prepaid, by a method that requires the notice to be forwarded to the voter; and

(2) include a postage prepaid return card that:

(A) is addressed to the county voter registration office;

(B) states a date by which the card must be returned or the voter's registration will become inactive until the information is provided to the county voter registration office; and

(C) permits the voter to provide the voter's current residence address.

(e) If a voter returns the card described in subsection (d)(2) and provides a current residence address that establishes that the voter resides:

(1) in the county, the county voter registration office shall update the voter's registration record; or

(2) outside the county, the county voter registration office shall cancel the voter's registration.

(f) If a voter does not return the card described in subsection (d)(2) by the date specified in subsection (d)(2)(B), the county voter registration office shall indicate in the voter's registration record that the voter's registration is inactive.

(g) A voter's registration that becomes inactive under subsection (f) remains in inactive status from the date described in subsection (d)(2)(B) until the earlier of the following:

(1) The date the county voter registration office updates or cancels the voter's registration under subsection (e) after the voter provides a current residence address.

(2) The day after the second general election in which the voter has not voted or appeared to vote.

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(h) After the date described in subsection (g)(2), the county voter registration office shall remove the voter's registration from the voter registration records.

SECTION 39. IC 3-7-38.2-3, AS AMENDED BY P.L.164-2006, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. As provided under 42 U.S.C. 1973gg-6(c)(2)(B)(i), this chapter does not prevent the removal of a voter's name from the voter registration record during the final ninety (90) day period before a primary ~~or general or municipal~~ election due to any of the following in accordance with this article:

(1) The written request of the voter.

(2) Disenfranchisement due to criminal conviction and incarceration.

(3) The death of the voter.

SECTION 40. IC 3-8-1-1.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.7. As used in this chapter, "before the election" refers to a general ~~municipal~~, or special election.

SECTION 41. IC 3-8-1-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5.5. (a) Except as provided in IC 3-13-1-19 and IC 3-13-2-10 for filling a vacancy on a ticket, a person who:

(1) is defeated in a primary election;

(2) appears as a candidate for nomination at a convention and is defeated;

(3) files a declaration of candidacy for nomination by a ~~county, city, or town~~ convention and is defeated; or

(4) files a declaration of candidacy for nomination by a caucus conducted under IC 3-13-1 or IC 3-13-2 and is defeated;

is not eligible to become a candidate for the same office in the next general ~~or municipal~~ election.

(b) For the purposes of subsection (a):

(1) a candidate for an at-large seat on a fiscal body is considered a candidate for the same office as a candidate for a district seat on a fiscal body; and

(2) a candidate for United States representative from a district in Indiana is considered a candidate for the same office as a candidate for any other congressional district in Indiana.

(c) This section does not apply to a candidate who files a written request for placement on the presidential primary ballot under IC 3-8-3.

SECTION 42. IC 3-8-2-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.5. (a) A person who

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desires to be a write-in candidate for a federal, state, legislative, or local office or school board office in a general ~~municipal~~, or school board election must file a declaration of intent to be a write-in candidate with the officer with whom declaration of candidacy must be filed under sections 5 and 6 of this chapter.

(b) The declaration of intent to be a write-in candidate required under subsection (a) must be signed before a person authorized to administer oaths and must certify the following information:

(1) The candidate's name must be printed or typewritten as:

(A) the candidate wants the candidate's name to be certified; and

(B) the candidate's name is permitted to appear under IC 3-5-7.

(2) A statement that the candidate is a registered voter and the location of the candidate's precinct and township (or ward and city or town), county, and state.

(3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.

(4) The candidate's party affiliation or a statement that the candidate is an independent candidate (not affiliated with any party). For purposes of this subdivision, a candidate is affiliated with a political party only if the candidate satisfies section 7(a)(4) of this chapter.

(5) A statement of the candidate's intention to be a write-in candidate, the name of the office, including the district, and the date and type of election.

(6) If the candidate is a candidate for the office of President or Vice President of the United States, a statement declaring the names of the individuals who have consented and are eligible to be the candidate's candidates for presidential electors.

(7) A statement that the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

(8) A statement as to whether the candidate has:

(A) been a candidate for state or local office in a previous primary or general election; and

(B) filed all reports required by IC 3-9-5-10 for all previous candidacies.

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(9) If the candidate is subject to IC 3-9-1-5, a statement that the candidate has filed a campaign finance statement of organization for the candidate's principal committee or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date to file the declaration of intent to be a write-in candidate under section 4 of this chapter.

(10) If the candidate is subject to IC 3-9-1-5.5, a statement that the candidate is required to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

(A) The candidate receives more than five hundred dollars (\$500) in contributions.

(B) The candidate makes more than five hundred dollars (\$500) in expenditures.

(11) A statement that the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and that the candidate is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(12) The candidate's signature and telephone number.

(c) At the time of filing the declaration of intent to be a write-in candidate, the write-in candidate is considered a candidate for all purposes.

(d) A write-in candidate must comply with the requirements under IC 3-8-1 that apply to the office to which the write-in candidate seeks election.

(e) A person may not be a write-in candidate in a contest for nomination or for election to a political party office.

(f) A write-in candidate for the office of President or Vice President of the United States must list at least one (1) candidate for presidential elector and may not list more than the total number of presidential electors to be chosen in Indiana.

(g) The commission shall provide that the form of a declaration of intent to be a write-in candidate includes the following information near the separate signature required by subsection (b)(7):

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

(h) A declaration of intent to be a write-in candidate must include a statement that the candidate requests the name on the candidate's

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voter registration record be the same as the name the candidate uses on the declaration of intent to be a write-in candidate. If there is a difference between the name on the candidate's declaration of intent to be a write-in candidate and the name on the candidate's voter registration record, the officer with whom the declaration of intent to be a write-in candidate is filed shall forward the information to the ~~voter registration officer of the~~ appropriate county **voter registration office** as required by IC 3-5-7-6(e). The ~~county~~ **county** voter registration ~~officer office~~ of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of intent to be a write-in candidate.

SECTION 43. IC 3-8-2-2.7, AS AMENDED BY P.L.164-2006, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.7. (a) This subsection does not apply to a write-in candidate for school board office who is subject to section 2.6(c) of this chapter. A candidate may withdraw a declaration of intent to be a write-in candidate not later than noon July 15 before a general ~~or municipal~~ election.

(b) This subsection applies to a candidate who filed a declaration of intent to be a write-in candidate with the election division. The election division shall issue a corrected certification of write-in candidates under IC 3-8-7-30 as soon as practicable after a declaration is withdrawn under this section.

SECTION 44. IC 3-8-2-4, AS AMENDED BY P.L.164-2006, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) A declaration of candidacy for a primary election must be filed not later than noon seventy-four (74) days and not earlier than one hundred four (104) days before the primary election. The declaration must be subscribed and sworn to before a person authorized to administer oaths.

(b) This subsection does not apply to a write-in candidate for school board office who is subject to section 2.6(c) of this chapter. A declaration of intent to be a write-in candidate must be filed:

- (1) not earlier than the first date specified in IC 3-8-6-10(b) for the timely filing of a petition of nomination; and
- (2) not later than noon on the date specified by IC 3-13-1-15(c) for a major political party to file a certificate of candidate selection.

The declaration must be subscribed and sworn to before a person authorized to administer oaths.

(c) During a year in which a federal decennial census, federal special census, special tabulation, or corrected population count

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becomes effective under IC 1-1-3.5, a declaration of:

(1) candidacy may be filed for an office that will appear on the primary election ballot; or

(2) intent to be a write-in candidate for an office that will appear on the general ~~municipal~~; or school board election ballot; that year as a result of the new tabulation of population or corrected population count.

SECTION 45. IC 3-8-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. (a) A person who files a declaration of candidacy for an elected office for which a per diem or salary is provided for by law is disqualified from filing a declaration of candidacy for another office for which a per diem or salary is provided for by law until the original declaration is withdrawn.

(b) A person may file both:

(1) a declaration of candidacy under this chapter for nomination to a federal or state office; and

(2) a written request under IC 3-8-3-1 that the person's name be placed on the ballot in a primary election as a candidate for nomination for the office of President of the United States.

(c) A person may not file:

(1) a declaration of candidacy for a nomination; and

(2) a petition of nomination or declaration of intent to be a write-in candidate for a school board office that is elected at the same time as the primary election.

If a person files both a declaration of candidacy and a petition of nomination described in this subsection, the matter shall be referred to the county election board under section 18 of this chapter. The board shall determine which document was most recently filed and shall consider the previously filed document to have been withdrawn.

SECTION 46. IC 3-8-2-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. (a) Upon receipt of the certified list under section 17 of this chapter, a county election board shall immediately compile under the proper political party designation the following:

(1) The title of each office.

(2) The name of each individual who has filed a request to be placed on the presidential primary ballot.

(3) The names and addresses of all persons for whom declarations of candidacy have been filed for nomination to an office on the primary election ballot.

(4) The names and addresses of all persons who have filed a petition of nomination for election to a school board office to be

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chosen at the same time as the primary election.

~~(5)~~ (4) The text of any public question to be placed on the ballot.

~~(6)~~ (5) The date of the primary election.

~~(7)~~ (6) The hours during which the polls will be open.

(b) The county election board shall do the following:

(1) Publish the information described in subsection (a) before the primary election in accordance with IC 5-3-1.

(2) File a copy of the information described in subsection (a):

(A) with the election division; and

(B) in the minutes of the county election board.

(c) The county election board shall file the copies required under subsection (b)(2) not later than noon ten (10) days before election day.

(d) An election is not invalidated by the failure of the board to comply with this section.

(e) If the county election board receives an amendment from the election division under section 17 of this chapter after:

(1) compilation of the information described in subsection (a) has occurred; or

(2) the board determines that it is impractical to recompile completely revised information;

the board is only required to file a copy of the amendment with the minutes of the board.

SECTION 47. IC 3-8-2.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 2.5. Nomination for School Board Office

Sec. 1. This chapter applies to a candidate for a school board office.

Sec. 2. A candidate for a school board office must file a petition of nomination in accordance with IC 3-8-6 and as required under IC 20-23 or IC 20-25. The petition of nomination, once filed, serves as the candidate's declaration of candidacy for a school board office.

Sec. 3. A candidate for a school board office is not required to file a statement of organization for the candidate's principal committee unless the candidate has received contributions or made expenditures requiring the filing of a statement under IC 3-9-1-5.5. If a candidate for a school board office is required to file a statement of organization for the candidate's principal committee, the statement of organization must be filed by noon seven (7) days after the final date for filing a petition of nomination or declaration of intent to be a write-in candidate.

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1 **Sec. 4. (a) A petition of nomination for a school board office**
 2 **must be filed:**

3 (1) **not earlier than one hundred four (104) days; and**

4 (2) **not later than noon seventy-four (74) days;**

5 **before the general election. The petition must be subscribed and**
 6 **sworn to before a person authorized to administer oaths.**

7 **(b) A declaration of intent to be a write-in candidate for a school**
 8 **board office must be filed:**

9 (1) **not earlier than ninety (90) days before the general**
 10 **election; and**

11 (2) **not later than noon five (5) days before the final date for**
 12 **the delivery of absentee ballots under IC 3-11-4-15.**

13 **The declaration must be subscribed and sworn to before a person**
 14 **authorized to administer oaths.**

15 SECTION 48. IC 3-8-5-18 IS ADDED TO THE INDIANA CODE
 16 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 17 1, 2009]: **Sec. 18. This chapter expires January 1, 2012.**

18 SECTION 49. IC 3-8-6-11 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) Whenever a
 20 town is wholly or partly located in a county having a consolidated city,
 21 a petition of nomination must be filed with the circuit court clerk of the
 22 county having the consolidated city.

23 (b) Whenever a town not described in subsection (a) has entered
 24 into an agreement with a county under IC 3-10-7-4, the petition must
 25 be filed with the circuit court clerk or board of registration of that
 26 county. **This subsection expires January 1, 2012.**

27 (c) Whenever a school corporation is located in more than one (1)
 28 county, a petition for the nomination of a candidate to a school board
 29 office must be filed with the circuit court clerk or board of registration
 30 of the county having the greatest percentage of population of the
 31 election district.

32 (d) When a petition is filed under ~~subsection (a), (b), or (c)~~ **this**
 33 **section** for nomination to an office whose election district is in more
 34 than one (1) county, the circuit court clerk or board of registration shall
 35 examine the voter registration records of each county in the election
 36 district to determine if each petitioner is eligible to vote for the
 37 candidates being nominated by the petition.

38 SECTION 50. IC 3-8-6-13.5 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13.5. A candidate may
 40 withdraw a petition of nomination by noon:

41 (1) July 15 before a general ~~or municipal~~ election; or

42 (2) forty-five (45) days before a special election.

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1 SECTION 51. IC 3-8-6-14 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) A person may
 3 not be selected as a candidate by petition of nomination without giving
 4 written consent and having it filed with the public official with whom
 5 certificates and petitions of nomination are required to be filed.

6 (b) Each candidate nominated by petition of nomination must satisfy
 7 all statutory eligibility requirements for the office for which the
 8 candidate is nominated, including the filing of statements of economic
 9 interest.

10 (c) All questions concerning the validity of a petition of nomination
 11 filed with the secretary of state or contesting the denial of certification
 12 under section 12(d) of this chapter shall be referred to and determined
 13 by the commission. A statement questioning the validity of a petition
 14 of nomination or contesting the denial of certification under section
 15 12(d) of this chapter must be filed with the election division under
 16 IC 3-8-1-2(c) or IC 3-8-1-2(e) not later than noon seventy-four (74)
 17 days before the date on which the general ~~or municipal~~ election will be
 18 held for the office.

19 (d) All questions concerning the validity of a petition of nomination
 20 filed with a circuit court clerk or contesting the denial of certification
 21 under section 12(d) of this chapter shall be referred to and determined
 22 by the county election board. A statement questioning the validity of a
 23 petition of nomination or contesting the denial of certification under
 24 section 12(d) of this chapter must be filed with the county election
 25 board under IC 3-8-1-2(c) or IC 3-8-1-2(e) not later than noon
 26 seventy-four (74) days before the date on which the general ~~or~~
 27 ~~municipal~~ election will be held for the office.

28 (e) This subsection does not apply to a petition of nomination for
 29 election to a school board office subject to IC 3-8-2-14. The
 30 commission or a county election board shall rule on the validity of the
 31 petition of nomination or the denial of certification under section 12(d)
 32 of this chapter not later than noon sixty (60) days before the date on
 33 which the general ~~or municipal~~ election will be held for the office.

34 (f) This subsection applies to a petition of nomination for election
 35 to a school board office elected in a general election. All questions
 36 concerning the validity of the petition of nomination shall be referred
 37 to and determined by the county election board not later than noon
 38 fifty-four (54) days before the date of the general election. A statement
 39 questioning the validity of a petition of nomination must be filed with
 40 the county election board under IC 3-8-1-2(c) not later than noon
 41 sixty-seven (67) days before the date of the general election.

42 SECTION 52. IC 3-8-7-11, AS AMENDED BY P.L.230-2005,

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SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) Except as provided in subsection (f), if a political party has filed a statement with the election division (or any of its predecessors) that the device selected by the political party be used to designate the candidates of the political party on the ballot for all elections throughout the state, the device must be used until:

- (1) the device is changed in accordance with party rules; and
- (2) a statement concerning the use of the new device is filed with the election division.

(b) Except as provided in subsection (c), the device may be any appropriate symbol.

(c) A political party or an independent candidate may not use as a device:

- (1) a symbol that has previously been filed by a political party or candidate with the election division (or any of its predecessors);
- (2) the coat of arms or seal of the state or of the United States;
- (3) the national or state flag; or
- (4) any other emblem common to the people.

(d) Not later than noon, August 20, before each general or ~~municipal~~ election, the election division shall provide each county election board with a camera-ready copy of the device under which the candidates of the political party or the petitioner are to be listed so that ballots may be prepared using the best possible reproduction of the device.

(e) This subsection applies to a candidate or political party whose device is not filed with the election division under subsection (a) and is to be printed only on ballots to identify candidates for election to a local office. Not later than noon, August 20, the chairman of the political party or the petitioner of nomination shall file a camera-ready copy of the device under which the candidates of the political party or the petitioner are to be listed with the county election board of each county in which the name of the candidate or party will be placed on the ballot. The county election board shall provide the camera-ready copy of the device to the town election board of a town located wholly or partially within the county upon request by the town election board.

(f) If a copy of the device is not filed in accordance with subsection (a) or (e), or unless a device is designated in accordance with section 26 or 27 of this chapter, the county election board or town election board is not required to use any device to designate the list of candidates.

SECTION 53. IC 3-8-7-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 25. The election division and each county election board shall have printed on the

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1 respective general ~~or special or municipal~~ election ballots the names
2 of the following candidates:

3 (1) Nominees chosen at a primary election under IC 3-10 and
4 certified as required by this chapter.

5 (2) Nominees chosen by a convention of a political party in the
6 state whose candidate received at least two percent (2%) of the
7 total vote cast for secretary of state at the last election and
8 certified under section 8 of this chapter.

9 (3) Nominees nominated by petition under IC 3-8-6.

10 (4) Nominees selected to fill a candidate vacancy under IC 3-13-1
11 or IC 3-13-2.

12 SECTION 54. IC 3-8-7-28 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 28. (a) Except as
14 provided in subsections (b) and (c), if a nominee certified under this
15 chapter, IC 3-8-5, IC 3-8-6, or IC 3-10-1 desires to withdraw as the
16 nominee, the nominee must file a notice of withdrawal in writing with
17 the public official with whom the certificate of nomination was filed by
18 noon:

19 (1) July 15 before a general ~~or municipal~~ election;

20 (2) August 1 before a municipal election in a town subject to
21 IC 3-8-5-10;

22 (3) on the date specified for town convention nominees under
23 IC 3-8-5-14.5;

24 (4) on the date specified for declared write-in candidates under
25 IC 3-8-2-2.7; or

26 (5) forty-five (45) days before a special election.

27 (b) A candidate who is disqualified from being a candidate under
28 IC 3-8-1-5 must file a notice of withdrawal immediately upon
29 becoming disqualified. The filing requirements of subsection (a) do not
30 apply to a notice of withdrawal filed under this subsection.

31 (c) A candidate who has moved from the election district the
32 candidate sought to represent must file a notice of withdrawal
33 immediately after changing the candidate's residence. The filing
34 requirements of subsection (a) do not apply to a notice of withdrawal
35 filed under this subsection.

36 SECTION 55. IC 3-9-5-6, AS AMENDED BY P.L.164-2006,
37 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2009]: Sec. 6. (a) This subsection applies to a candidate's
39 committee other than a candidate's committee of a candidate for a state
40 office. Except as otherwise provided in this chapter, each committee,
41 the committee's treasurer, and each candidate shall complete a report
42 required by this chapter current and dated as of the following dates:

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(1) Twenty-five (25) days before the nomination date.

(2) Twenty-five (25) days before the general ~~municipal~~, or special election.

(3) The annual report filed and dated as required by section 10 of this chapter.

(b) This subsection applies to a regular party committee. Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required by this chapter current and dated as of the following dates:

(1) Twenty-five (25) days before a primary election.

(2) Twenty-five (25) days before a general ~~municipal~~, or special election.

(3) The date of the annual report filed and dated as required under section 10 of this chapter.

(c) This subsection applies to a legislative caucus committee. Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required under this chapter current and dated as of the following dates:

(1) Twenty-five (25) days before a primary election conducted in an even-numbered year.

(2) Twenty-five (25) days before a general election conducted in an even-numbered year.

(3) The date of the annual report filed and dated as required under section 10 of this chapter.

A legislative caucus committee is not required to file any report concerning the committee's activity during an odd-numbered year other than the annual report filed and dated under section 10 of this chapter.

(d) This subsection applies to a political action committee. Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required by this chapter current and dated as of the following dates:

(1) Twenty-five (25) days before a primary election.

(2) Twenty-five (25) days before a general ~~municipal~~, or special election.

(3) The date of the annual report filed and dated as required under section 10 of this chapter.

(e) This subsection applies to a candidate's committee of a candidate for a state office. A candidate's committee is not required to file a report under section 8.2, 8.4, or 8.5 of this chapter. For a year in which an election to the state office is held, the treasurer of a candidate's committee shall file the following reports:

(1) A report covering the period from January 1 through March 31

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of the year of the report. A report required by this subdivision must be filed not later than noon April 15 of the year covered by the report.

(2) A report covering the period from April 1 through June 30 of the year of the report. A report required by this subdivision must be filed not later than noon July 15 of the year covered by the report.

(3) A report covering the period from July 1 through September 30 of the year of the report. A report required by this subdivision must be filed not later than noon October 15 of the year covered by the report.

(4) A report covering the period from October 1 of the year of the report through the date that is fifteen (15) days before the date of the election. A report required by this subdivision must be filed not later than noon seven (7) days before the date of the election.

(5) A report covering the period from the date that is fourteen (14) days before the date of the election through December 31 of the year of the report. A report required by this subdivision must:

(A) provide cumulative totals from January 1 through December 31 of the year of the report; and

(B) be filed not later than the deadline specified in section 10 of this chapter.

SECTION 56. IC 3-9-5-9, AS AMENDED BY P.L.221-2005, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) Except as provided in subsections (b) and (c), in a year in which a candidate is not a candidate for election to an office to which this article applies or does not seek nomination at a caucus or state convention for election to an office to which this article applies, the treasurer of the candidate's committee shall file only the report required by section 10 of this chapter.

(b) This subsection applies to a candidate who holds one (1) office and is a candidate for a different office (or has filed a statement of organization for an exploratory committee without indicating that the individual is a candidate for a specific office). The treasurer of the candidate's committee for the office the candidate holds shall file the following reports:

(1) If the committee spends, transfers in, or transfers out at least ten thousand dollars (\$10,000) from January 1 until twenty-five (25) days before the primary election, the treasurer shall file a preprimary report under section 6 of this chapter.

(2) If the committee spends, transfers in, or transfers out at least ten thousand dollars (\$10,000) from twenty-five (25) days before

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the primary election until twenty-five (25) days before the general election, the treasurer shall file a pregeneral election report under section 6 of this chapter.

(3) The report required under section 10 of this chapter.

(c) This subsection applies to a candidate who is required to file a preprimary report or preconvention report under section 6 of this chapter and who:

(1) is defeated at the primary election or convention; or

(2) withdraws or is disqualified as a candidate before the general election.

The treasurer of a candidate's committee described by this subsection is not required to file a pregeneral election report under section 6 of this chapter but shall file the report required by section 10 of this chapter.

(d) This subsection applies to a candidate for election to a city office or a town office. If a ~~municipal~~ primary **to nominate candidates for municipal offices** is not conducted in the municipality by one (1) or more parties authorized to conduct a primary, the candidate must file a report in accordance with the schedule set forth in section 6 of this chapter as if the primary were conducted. If a ~~municipal~~ general election **to elect candidates for municipal offices** is not conducted in the municipality, the candidate must file a report in accordance with section 6 of this chapter as if the ~~municipal~~ election **for municipal offices** were conducted.

(e) This subsection applies to a candidate's committee of a candidate for a state office. For a year in which an election to the state office is not held, the treasurer of a candidate's committee shall file the following reports in addition to any other report required by this article:

(1) A report covering the period from January 1 through June 30 of the year of the report. A report required by this subdivision must be filed not later than noon July 15 of the year covered by the report.

(2) A report covering the period from July 1 through December 31 of the year of the report. A report required by this subdivision must:

(A) provide cumulative totals from January 1 through December 31 of the year of the report; and

(B) be filed by the deadline specified in section 10 of this chapter.

SECTION 57. IC 3-9-5-20.1, AS AMENDED BY P.L.221-2005, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 20.1. (a) This section:

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(1) applies only to a large contribution that is received by a candidate, the candidate's committee, or the treasurer of the candidate's committee; and

(2) does not apply to a candidate for a state office, the candidate's committee, or the treasurer of the candidate's committee.

(b) As used in this section, "election" refers to any of the following:

(1) A primary election.

(2) A general election.

~~(3) A municipal election.~~

~~(4)~~ (3) A special election.

~~(5)~~ (4) For candidates nominated at a state convention, the state convention.

(c) As used in this section, "large contribution" means contributions:

(1) that total at least one thousand dollars (\$1,000); and

(2) that are received:

(A) not more than twenty-five (25) days before an election; and

(B) not less than forty-eight (48) hours before an election.

(d) The treasurer of a candidate's committee shall file a supplemental large contribution report with the election division or a county election board not later than forty-eight (48) hours after the contribution is received. A candidate for a legislative office shall file a report required by this section with the election division and the county election board as required by section 3 of this chapter. A report filed under this section may be filed by facsimile (fax) transmission.

(e) A report required by subsection (d) must contain the following information for each large contribution:

(1) The name of the person making the contribution.

(2) The address of the person making the contribution.

(3) If the person making the contribution is an individual, the individual's occupation.

(4) The total amount of the contribution.

(5) The dates and times the contributions making up the large contribution were received by the treasurer, the candidate, or the candidate's committee.

(f) The commission shall prescribe the form for the report required by this section.

SECTION 58. IC 3-10-1-19, AS AMENDED BY P.L.146-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

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OFFICIAL PRIMARY BALLOT

____ Party

For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column. For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

☐ (1) AB _____☐ (2) CD _____☐ (3) EF _____☐ (4) GH _____

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.

(E) Prosecuting attorney.

(F) Circuit court clerk.

(4) County offices:

(A) County auditor.

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- 1 (B) County recorder.
- 2 (C) County treasurer.
- 3 (D) County sheriff.
- 4 (E) County coroner.
- 5 (F) County surveyor.
- 6 (G) County assessor.
- 7 (H) County commissioner.
- 8 (I) County council member.
- 9 (5) Township offices:
- 10 (A) Township assessor (only in a township referred to in
- 11 IC 36-6-5-1(d)).
- 12 (B) Township trustee.
- 13 (C) Township board member.
- 14 (D) Judge of the small claims court.
- 15 (E) Constable of the small claims court.
- 16 (6) City offices:
- 17 (A) Mayor.
- 18 ~~(B) Clerk or clerk-treasurer.~~
- 19 ~~(C)~~ (B) Judge of the city court.
- 20 ~~(D)~~ (C) City-county council member or common council
- 21 member.
- 22 (7) Town offices:
- 23 (A) Clerk-treasurer.
- 24 (B) Judge of the town court.
- 25 (C) Town council member.
- 26 (c) The political party offices with candidates for election shall be
- 27 placed on the primary election ballot in the following order after the
- 28 offices described in subsection (b):
- 29 (1) Precinct committeeman.
- 30 (2) State convention delegate.
- 31 (d) The following offices and public questions shall be placed on the
- 32 primary election ballot in the following order after the offices described
- 33 in subsection (c):
- 34 ~~(1) School board offices to be elected at the primary election.~~
- 35 ~~(2) Other~~ (1) Local offices to be elected at the primary election.
- 36 ~~(3)~~ (2) Local public questions.
- 37 (e) The offices and public questions described in subsection (d)
- 38 shall be placed:
- 39 (1) in a separate column on the ballot if voting is by paper ballot;
- 40 (2) after the offices described in subsection (c) in the form
- 41 specified in IC 3-11-13-11 if voting is by ballot card; or
- 42 (3) either:

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1 (A) on a separate screen for each office or public question; or
 2 (B) after the offices described in subsection (c) in the form
 3 specified in IC 3-11-14-3.5;
 4 if voting is by an electronic voting system.

5 (f) A public question shall be placed on the primary election ballot
 6 in the following form:

7 (The explanatory text for the public question,
 8 if required by law.)

9 "Shall (insert public question)?"

10 ☐ YES

11 ☐ NO

12 SECTION 59. IC 3-10-1-19.2 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19.2. (a) Whenever
 14 candidates are to be nominated for an office that includes more than
 15 one (1) district, the districts shall be placed on the ballot in alphabetical
 16 or numerical order, according to the designation given to the district.

17 (b) Whenever candidates are to be nominated for an office that
 18 includes both an at-large member and a member representing a district,
 19 the candidates seeking nomination as an at-large member shall be
 20 placed on the ballot before candidates seeking nomination to represent
 21 a district.

22 (c) ~~This subsection applies to a school board office or political~~
 23 ~~office to be elected at the primary election ballot.~~ Candidates for a
 24 ~~school board office or~~ a political party office shall be placed on the
 25 ballot in accordance with the rules applicable to candidates for
 26 nomination to an office under subsections (a) and (b).

27 SECTION 60. IC 3-10-1-32 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 32. Primary election
 29 returns must contain the whole number of votes cast for **each of the**
 30 **following:**

- 31 (1) Each candidate of each political party.
 32 (2) Each public question voted on at the primary election. ~~and~~
 33 (3) Each candidate for election to a ~~school board office or~~
 34 political party office.

35 SECTION 61. IC 3-10-6-13 IS ADDED TO THE INDIANA CODE
 36 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 37 1, 2009]: **Sec. 13. This chapter expires January 1, 2012.**

38 SECTION 62. IC 3-10-7-36 IS ADDED TO THE INDIANA CODE
 39 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 40 1, 2009]: **Sec. 36. This chapter expires January 1, 2012.**

41 SECTION 63. IC 3-10-7.5 IS ADDED TO THE INDIANA CODE
 42 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2009]:

Chapter 7.5. Elections for Municipal Offices

Sec. 1. This chapter applies to an election to a municipal office held after December 31, 2011.

Sec. 2. (a) Except as provided in sections 3 and 4 of this chapter, the successor of an individual elected to a municipal office at the 2011 municipal election shall:

- (1) be elected at the 2014 general election; and**
- (2) take office January 1, 2015.**

(b) The successors of an individual elected to a municipal office under subsection (a) shall:

- (1) be elected at the general election held in each nonpresidential election year;**
- (2) take office the following January 1; and**
- (3) serve a term of four (4) years.**

Sec. 3. (a) The successor of an individual elected as a judge of a city or town court at the 2011 municipal election shall:

- (1) be elected at the 2016 general election; and**
- (2) take office January 1, 2017.**

(b) The successors of an individual elected as a judge of a city or town court under subsection (a) shall:

- (1) be elected at the general election held in each presidential election year;**
- (2) take office the following January 1; and**
- (3) serve a term of four (4) years.**

Sec. 4. (a) An ordinance adopted under this section does not apply to the judge of a city or town court.

(b) The legislative body of a municipality may adopt an ordinance to provide that, notwithstanding section 2 of this chapter, municipal offices named in the ordinance shall be elected in presidential election years.

(c) The following apply to an ordinance adopted under this section:

- (1) The ordinance must be adopted in the year before a nonpresidential election year.**
 - (2) The ordinance must state the municipal offices to which the ordinance applies.**
 - (3) An individual elected:**
 - (A) to a municipal office named in the ordinance; and**
 - (B) at the election for the municipal office during the following nonpresidential election year;**
- serves a term of two (2) years, beginning on January 1**

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following the election.

(4) The successors of an individual described in subdivision (3) shall:

(A) be elected at the general election held in each presidential election year;

(B) take office the following January 1; and

(C) serve a term of four (4) years.

Sec. 5. The successors of an individual elected to a municipal office at the 2008 general election shall:

(1) be elected at the general election held in each presidential election year;

(2) take office the following January 1; and

(3) serve a term of four (4) years.

Sec. 6. The successors of an individual elected to a municipal office at the 2010 general election shall:

(1) be elected at the general election held in each nonpresidential election year;

(2) take office the following January 1; and

(3) serve a term of four (4) years.

Sec. 7. Candidates for election to municipal offices shall be nominated as provided in this title for candidates for other offices.

Sec. 8. (a) This section applies to each political party whose nominee received at least ten percent (10%) of the votes cast in the state for secretary of state at the most recent election for secretary of state.

(b) The political party shall nominate all candidates for election to municipal offices at a primary election as provided in IC 3-10.

Sec. 9. (a) This section applies to a political party:

(1) not qualified to conduct a primary election under IC 3-10; and

(2) not required to nominate candidates by a petition of nomination under IC 3-8-6.

(b) The political party may conduct a convention to nominate candidates for municipal offices not later than noon on the date specified by IC 3-13-1-7(a)(1) for a major political party to act to fill a candidate vacancy.

(c) The chairman and secretary of the convention shall execute and acknowledge a certificate setting forth the nominees of the convention in accordance with IC 3-8-5-13. The certificate must be filed with the circuit court clerk of the county containing the greatest percentage of population of the municipality not later than noon on the date specified by IC 3-13-1-15(c) for a major political

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party to file a certificate of candidate selection.

(d) Each candidate nominated under this section shall execute a consent to the nomination in the same form as a candidate nominated by petition under IC 3-8-6. The consent must be filed with the certificate under subsection (c).

(e) A candidate's consent to the nomination must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the consent to the nomination. If there is a difference between the name on the candidate's consent to the nomination and the name on the candidate's voter registration record, the officer with whom the consent to the nomination is filed shall forward the information to the county voter registration office of the appropriate county as required by IC 3-5-7-6(e). The county voter registration office of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent to the nomination.

(f) A question concerning the validity of a candidate's nomination under this section shall be determined by a county election board in accordance with IC 3-13-1-16.5(b) and IC 3-13-1-16.5(c).

(g) A nominee who wants to withdraw must file a notice of withdrawal in accordance with IC 3-8-7-28.

(h) A county election board may not include the name of a candidate on the ballot if the person files a notice to withdraw with the board. The notice must:

- (1) be signed and acknowledged before an officer authorized to take acknowledgments of deeds;
- (2) have the certificate of acknowledgment appended to the notice; and
- (3) be filed with the board not later than noon three (3) days after the adjournment of the convention.

Sec. 10. The general election for municipal offices shall be held on the first Tuesday after the first Monday in November of the following:

- (1) A presidential election year, for municipal offices whose terms expire after the end of the presidential election year.
- (2) A nonpresidential election year, for municipal offices whose terms expire after the end of the nonpresidential election year.

Sec. 11. (a) In accordance with IC 3-11-1.5 and to the extent applicable and feasible, the circuit court clerk, the county fiscal

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body, the county executive, and the county election board of each county in which there are voters who may vote for offices in a municipality, but who live in a county adjacent to the county in which the greatest percentage of the population of the municipality resides, shall:

(1) upon written request of their counterpart election officers in the county with the greatest percentage of the population of the municipality, establish precincts in the municipality; and

(2) supply the precincts established with poll lists and perform all other duties under this title as if the voters were inhabitants of a municipality with the greatest percentage of its population within that county.

(b) The commission shall, if necessary, implement this section by orders and rules. Local governments may use IC 36-1-7 for contractual agreements concerning the costs of services, supplies, and equipment required.

SECTION 64. IC 3-10-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. If a local public question must be certified to an election board by law, that certification must occur ~~no~~ not later than noon:

(1) sixty (60) days before a primary election if the public question is to be placed on the primary ~~or municipal~~ primary election ballot; or

(2) August 1 if the public question is to be placed on the general ~~or municipal~~ election ballot.

SECTION 65. IC 3-10-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter:

(1) applies to a general, ~~municipal~~, primary, school district, and special election; and

(2) is enacted to implement Article 2, Section 2(c) of the Constitution of the State of Indiana.

SECTION 66. IC 3-10-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) Notwithstanding other provisions of this title concerning residency requirements for voting, but subject to subsection (b), a person described in section 2 of this chapter may vote in the precinct of the person's former residence by executing an affidavit described in this chapter.

(b) A person who changes residence from a location outside a municipality to a location within a municipality within thirty (30) days before a municipal primary election, municipal election, or special election held only within the municipality may not vote in the election

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1 in the precinct of the person's former residence. **This subsection**
 2 **expires January 1, 2012.**

3 SECTION 67. IC 3-10-12-2 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. This chapter applies
 5 to a general, ~~municipal~~, primary, school district, and special election.

6 SECTION 68. IC 3-10-12-3.4, AS ADDED BY P.L.230-2005,
 7 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2009]: Sec. 3.4. (a) This section applies to a voter who:

9 (1) changes residence from a precinct in a county to another
 10 precinct:

11 (A) in the same county; and

12 (B) in the same congressional district;

13 as the former precinct; and

14 (2) does not notify the county voter registration office of the
 15 change of address before election day.

16 (b) A voter described by subsection (a) may:

17 (1) correct the voter registration record; and

18 (2) vote in the precinct where the voter formerly resided;

19 if the voter makes an oral affirmation as described in subsection (e) or
 20 a written affirmation as described in section 4 of this chapter of the
 21 voter's current residence address.

22 (c) A voter who moved outside of a municipality may not return to
 23 the precinct where the voter formerly resided to vote in a municipal
 24 election.

25 (d) A voter who moved from a location outside a municipality to a
 26 location within a municipality within thirty (30) days before a:

27 (1) municipal primary election;

28 (2) municipal election; or

29 (3) special election held only within the municipality;

30 may not vote in the election in the precinct of the person's former
 31 residence. **This subsection expires January 1, 2012.**

32 (e) A voter entitled to make a written affirmation under subsection
 33 (b) may make an oral affirmation. The voter must make the oral
 34 affirmation before the poll clerks of the precinct. After the voter makes
 35 an oral affirmation under this subsection, the poll clerks shall:

36 (1) reduce the substance of the affirmation to writing at an
 37 appropriate location on the poll list; and

38 (2) initial the affirmation.

39 SECTION 69. IC 3-11-1.5-11 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. The precincts
 41 established for a general or ~~municipal~~ election must be the same as the
 42 precincts established for the preceding primary election, except as

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provided in section 12 of this chapter.

SECTION 70. IC 3-11-1.5-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 25. (a) A precinct establishment order may not become effective during ~~the following periods:~~

(1) ~~In a year in which a general election is held;~~ the period beginning on the first day that a declaration of candidacy may be filed under IC 3-8-2-4 and ending the day following general election day.

(2) (b) For precincts located wholly or partially within a municipality, **a precinct establishment order may not become effective** after January 31 and before the day following municipal election day, in a year in which a municipal election is held. **This subsection expires January 1, 2012.**

SECTION 71. IC 3-11-1.5-31, AS AMENDED BY P.L.221-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 31. (a) This section applies to a proposed precinct establishment order that requires that a hearing by the commission be conducted under this chapter.

(b) After the election division has reviewed the proposed precinct establishment order, and the order has been revised, if necessary, to comply with this chapter, the commission shall:

- (1) approve a proposed precinct establishment order under this section not later than the following January 31; and
- (2) order that the precinct establishment order takes effect January 31 of the year in which the municipal election will be held.

(c) This section expires January 1, 2012.

SECTION 72. IC 3-11-1.5-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 32. (a) The legislative body of a municipality may not change the boundary of a district established under:

- (1) IC 36-3-4-3;
- (2) IC 36-4-6-3;
- (3) IC 36-4-6-4;
- (4) IC 36-4-6-5;
- (5) IC 36-5-1-10.1;
- (6) IC 36-5-2-4.1; or
- (7) IC 36-5-2-4.2;

after November 8 of the year preceding the year in which a municipal election is to be held and before the day following the date on which the municipal election is held except to assign territory to a municipal legislative body district in an annexation ordinance.

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(b) This section expires January 1, 2012.

SECTION 73. IC 3-11-1.5-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 33. (a) If the boundaries of a municipality are extended before a municipal primary election or a municipal election, and the territory within those boundaries has not been included in precincts wholly within the municipality, the voters within the extended boundaries may vote, if otherwise qualified, in the municipal primary election or municipal election.

(b) The voters may vote in the precinct in which they have their residence as if the precinct had been established to include them in a precinct wholly within the municipality. These votes shall be counted and included in the canvass of the votes cast in the municipal primary election or municipal election.

(c) This section expires January 1, 2012.

SECTION 74. IC 3-11-4-6, AS AMENDED BY P.L.198-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) This section applies, notwithstanding any other provision of this title, to absentee ballot applications for the following:

- (1) An absent uniformed services voter.
- (2) An address confidentiality program participant (as defined in IC 5-26.5-1-6).
- (3) An overseas voter.

(b) A county election board shall make blank absentee ballot applications available for persons covered by this section after November 20 preceding the election to which the application applies. Except as provided in subsection (c), the person may apply for an absentee ballot at any time after the applications are made available.

(c) A person covered by this section may apply for an absentee ballot for the next scheduled primary, general, or special election at any time by filing a standard form approved under 42 U.S.C. 1973ff(b).

(d) If the county election board receives an absentee ballot application from a person described by this section, the circuit court clerk shall mail to the person, free of postage as provided by 39 U.S.C. 3406, all ballots for the election immediately upon receipt of the ballots under sections 13 and 15 of this chapter.

(e) In accordance with 42 U.S.C. 1973ff-3, whenever a voter files an application for an absentee ballot and indicates on the application that the voter:

- (1) is an absent uniformed services voter or an overseas voter; and
- (2) does not expect to be in the county on the next general

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1 election day following the date the application is filed and expects
 2 to remain absent from the county until at least the date of the
 3 second general election following the date the application is filed;
 4 the application is an adequate application for an absentee ballot for
 5 both subsequent general elections and any ~~municipal~~ or special election
 6 conducted during that period. The circuit court clerk and county
 7 election board shall process this application and send general election
 8 absentee ballots to the voter in the same manner as other general
 9 election and special election absentee ballot applications and ballots
 10 are processed and sent under this chapter.

11 (f) Whenever a voter described in subsection (a)(2) files an
 12 application for a primary election absentee ballot and indicates on the
 13 application that the voter is an address confidentiality program
 14 participant, the application is an adequate application for a general
 15 election absentee ballot under this chapter and an absentee ballot for a
 16 special election conducted during the twelve (12) months following the
 17 date of the application. The circuit court clerk and county election
 18 board shall process this application and send general election and
 19 special election absentee ballots to the voter in the same manner as
 20 other general election and special election absentee ballot applications
 21 and ballots are processed and sent under this chapter.

22 (g) The name, address, telephone number, and any other identifying
 23 information relating to a program participant (as defined in
 24 IC 5-26.5-1-6) in the address confidentiality program, as contained in
 25 a voting registration record, is declared confidential for purposes of
 26 IC 5-14-3-4(a)(1). The county voter registration office may not disclose
 27 for public inspection or copying a name, an address, a telephone
 28 number, or any other information described in this subsection, as
 29 contained in a voting registration record, except as follows:

30 (1) To a law enforcement agency, upon request.

31 (2) As directed by a court order.

32 (h) The county election board shall by fax (or electronic mail when
 33 authorized under this section) transmit an absentee ballot to and receive
 34 an absentee ballot from an absent uniformed services voter or an
 35 overseas voter at the request of the voter. If the voter wants to submit
 36 absentee ballots by fax or electronic mail, the voter must separately
 37 sign and date a statement on the cover of the fax transmission that
 38 states substantively the following: "I understand that by faxing or
 39 e-mailing my voted ballot I am voluntarily waiving my right to a secret
 40 ballot."

41 (i) The county election board shall send confirmation to a voter
 42 described in subsection (h) that the voter's absentee ballot has been

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1 received as follows:

2 (1) If the voter provides a fax number to which a confirmation
3 may be sent, the county election board shall send the confirmation
4 to the voter at the fax number provided by the voter.

5 (2) If the voter provides an electronic mail address to which a
6 confirmation may be sent, the county election board shall send the
7 confirmation to the voter at the electronic mail address provided
8 by the voter.

9 (3) If:
10 (A) the voter does not provide a fax number or an electronic
11 mail address; or
12 (B) the number or address provided does not permit the board
13 to send the confirmation not later than the end of the first
14 business day after the board receives the voter's absentee
15 ballot;

16 the county election board shall send the confirmation by United
17 States mail.

18 The county election board shall send the confirmation required by this
19 subsection not later than the end of the first business day after the
20 county election board receives the voter's absentee ballot.

21 (j) A county election board may transmit an absentee ballot to an
22 absent uniformed services voter or an overseas voter by electronic mail
23 under a program authorized and administered by the Federal Voting
24 Assistance Program of the United States Department of Defense. A
25 voter described by this section may transmit the voted absentee ballot
26 to a county election board by electronic mail in accordance with the
27 procedures established under this program. An electronic mail message
28 transmitting a voted absentee ballot under this subsection must include
29 an optically scanned image of the voter's signature on the statement
30 required under subsection (h).

31 SECTION 75. IC 3-11-4-10 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. Each circuit court
33 clerk shall:

34 (1) not less than sixty (60) days before the date on which a
35 general ~~or~~ primary ~~or municipal~~ election is held; or

36 (2) not more than three (3) days after the date on which a special
37 election is ordered;

38 estimate the number of absentee ballots that will be required in the
39 county for the election.

40 SECTION 76. IC 3-11-4-15 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. (a) Except as
42 provided in subsection (b), the absentee ballots that are prepared and

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printed under the direction of a county election board shall be delivered to the circuit court clerk (or the board acting under IC 3-6-5.2) at least:

(1) forty-five (45) days before a general ~~or~~ primary ~~or~~ municipal election; ~~or~~

(2) thirty-two (32) days before a special election.

(b) This subsection applies to the printing of absentee ballots for a general election in ~~which the names of nominees for President and Vice President of the United States are to be printed on the ballot: a~~ **presidential election year**. The absentee ballots that are prepared and printed under the direction of a county election board shall be delivered to the circuit court clerk (or the board acting under IC 3-6-5.2) not later than thirty-eight (38) days before the general election.

SECTION 77. IC 3-11-8-10.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 10.3. (a) As used in this section, "electronic poll list" refers to a poll list that is maintained in a computer data base.**

(b) An electronic poll list must satisfy all of the following:

(1) An electronic poll list must be programmed so that the coordinated action of two (2) precinct election officers who are not members of the same political party is necessary to record the fact that a voter has voted.

(2) An electronic poll list may not be connected to a voting system.

(3) An electronic poll list may not permit access to voter information other than information provided on the certified list of voters prepared under IC 3-7-29-1.

SECTION 78. IC 3-11-10-26.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 26.5. (a) This section applies to:**

(1) ~~a~~ the 2011 municipal election;

(2) ~~a~~ the 2011 primary ~~conducted in a municipal election; year,~~ and

(3) a special election conducted under IC 3-10-8.

(b) Notwithstanding section 26 of this chapter, a county election board (or a town election board acting under IC 3-10-7) may adopt a resolution by the unanimous vote of the board's entire membership stating that voters are entitled to vote by absentee ballot before an absentee voter board in the office of the circuit court clerk or town election board during specific days and hours identified in the resolution.

(c) If the election board adopts a resolution under subsection (b), the

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board must include written findings of fact in the resolution stating:

- (1) the number of absentee ballot applications anticipated or previously received for the election;
- (2) the expense to be incurred by providing absentee ballot voting in the office during the entire period required under section 26 of this chapter; and
- (3) that voters would experience little or no inconvenience by restricting absentee ballot voting in the office to the days and hours specified in the resolution.

SECTION 79. IC 3-11-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. If an election is a general ~~or municipal~~ election and a voter desires to vote for all the candidates of one (1) political party or group of petitioners, the voter may make a voting mark on or in a large circle enclosing the device and before the name under which the candidates of the party or group of petitioners are printed. The voter's vote shall then be counted for all the candidates under that party name or for the two (2) candidates comprising an independent ticket.

SECTION 80. IC 3-11-11-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10.5. (a) At a primary election, a voter may not remain in the voting booth longer than three (3) minutes.

(b) At a general ~~municipal~~, or special election, a voter may not remain in the voting booth longer than two (2) minutes.

(c) If a voter refuses to leave the voting booth after the lapse of the time provided under subsection (a) or (b), the precinct election board, or the election sheriff or sheriffs upon the order of the board, shall immediately remove the voter from the booth.

SECTION 81. IC 3-11-13-31.7, AS AMENDED BY P.L.221-2005, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 31.7. (a) This section is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an optical scan voting system.

(b) After receiving ballot cards, a voter shall, without leaving the room, go alone into one (1) of the booths or compartments that is unoccupied and indicate:

- (1) the candidates for whom the voter desires to vote by marking the connectable arrows, circles, ovals, or squares immediately beside:
 - (A) the candidates' names; or
 - (B) the numbers referring to the candidates; and

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(2) the voter's preference on each public question by marking the connectable arrow, oval, or square beside:

(A) the word "yes" or "no" under the question; or

(B) the number referring to the word "yes" or "no" on the ballot.

(c) If an election is a general ~~or municipal~~ election and a voter desires to vote for all the candidates of one (1) political party or independent ticket (described in IC 3-11-2-6), the voter may mark:

(1) the circle enclosing the device; or

(2) the connectable arrow, circle, oval, or square described in section 11 of this chapter;

that designates the candidates of that political party or independent ticket (described in IC 3-11-2-6). The voter's vote shall then be counted for all the candidates of that political party or included in the independent ticket (described in IC 3-11-2-6). However, if the voter marks the circle, arrow, oval, or square of an independent ticket (described in IC 3-11-2-6), the vote shall not be counted for any other independent candidate on the ballot.

SECTION 82. IC 3-11-13-32.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 32.5. (a) At a primary election, a voter may not remain in the voting booth or compartment longer than three (3) minutes.

(b) At a general ~~municipal~~, or special election, a voter may not remain in the voting booth or compartment longer than two (2) minutes.

(c) If a voter refuses to leave a voting booth or compartment after the lapse of the time provided under subsection (a) or (b), the precinct election board, or the election sheriff or sheriffs upon the order of the board, shall immediately remove the voter from the booth or compartment.

SECTION 83. IC 3-11-13-42 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 42. (a) If a county has procured ballot card voting systems for use, the ballot card voting systems may be used at a municipal election. If there are not sufficient ballot card voting systems on hand for each precinct of the municipality, the county election board shall determine in what precincts ballot card voting systems will be used at the election.

(b) This section expires January 1, 2012.

SECTION 84. IC 3-11-13-43 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 43. (a) If ballot card voting systems are used in a municipal election, the county election board shall furnish to the municipality:

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- 1 (1) the requisite number of ballot card voting systems; and
- 2 (2) all the furniture and appliances that go with the ballot card
- 3 voting systems.

4 (b) However, the municipality shall pay the expenses of moving the
 5 ballot card voting systems and furniture to and from the polls and also
 6 for any damage or loss to the ballot card voting systems or furniture.

7 **(c) This section expires January 1, 2012.**

8 SECTION 85. IC 3-11-14-23, AS AMENDED BY P.L.164-2006,
 9 SECTION 117, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2009]: Sec. 23. (a) This section is enacted to
 11 comply with 42 U.S.C. 15481 by establishing uniform and
 12 nondiscriminatory standards to define what constitutes a vote on an
 13 electronic voting system.

14 (b) If a voter is not challenged by a member of the precinct election
 15 board, the voter may pass the railing to the side where an electronic
 16 voting system is and into the voting booth. There the voter shall
 17 register the voter's vote in secret by indicating:

- 18 (1) the candidates for whom the voter desires to vote by touching
- 19 a device on or in the squares immediately above the candidates'
- 20 names;
- 21 (2) if the voter intends to cast a write-in vote, a write-in vote by
- 22 touching a device on or in the square immediately below the
- 23 candidates' names and printing the name of the candidate in the
- 24 window provided for write-in voting; and
- 25 (3) the voter's preference on each public question by touching a
- 26 device above the word "yes" or "no" under the question.

27 (c) If an election is a general ~~or municipal~~ election and a voter
 28 desires to vote for all the candidates of one (1) political party or group
 29 of petitioners, the voter may cast a straight party ticket by touching that
 30 party's device. The voter's vote shall then be counted for all the
 31 candidates under that name. However, if the voter casts a vote by
 32 touching the circle of an independent ticket comprised of two (2)
 33 candidates, the vote shall not be counted for any other independent
 34 candidate on the ballot.

35 (d) As provided by 42 U.S.C. 15481, a voter casting a ballot on an
 36 electronic voting system must be:

- 37 (1) permitted to verify in a private and independent manner the
- 38 votes selected by the voter before the ballot is cast and counted;
- 39 (2) provided the opportunity to change the ballot or correct any
- 40 error in a private and independent manner before the ballot is cast
- 41 and counted, including the opportunity to receive a replacement
- 42 ballot if the voter is otherwise unable to change or correct the

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1 ballot; and

2 (3) notified before the ballot is cast regarding the effect of casting
3 multiple votes for the office and provided an opportunity to
4 correct the ballot before the ballot is cast and counted.

5 SECTION 86. IC 3-11-14-27 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 27. At a general
7 ~~municipal~~, or special election, a voter may not remain in the voting
8 booth longer than two (2) minutes.

9 SECTION 87. IC 3-11-14-33 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 33. (a) If a county has
11 procured electronic voting systems for use, the systems may be used at
12 a municipal election. If there are not sufficient systems on hand for
13 each precinct of the municipality, the county election board shall
14 determine in what precincts systems will be used at the election.

15 **(b) This section expires January 1, 2012.**

16 SECTION 88. IC 3-11-14-34 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 34. (a) If electronic
18 voting systems are used in a municipal election, the county election
19 board shall furnish to the municipality:

20 (1) the requisite number of systems; and

21 (2) all the furniture and appliances that go with the systems.

22 (b) However, the municipality shall pay the expenses of moving the
23 systems and furniture to and from the polls and also for any damage or
24 loss to the systems or furniture.

25 **(c) This section expires January 1, 2012.**

26 SECTION 89. IC 3-11-18-1, AS ADDED BY P.L.164-2006,
27 SECTION 119, IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) This chapter applies to a
29 county designated as a vote center ~~pilot~~ county under this chapter.

30 **(b) On July 1, 2009, a county designated as a vote center pilot**
31 **county under:**

32 **(1) P.L.164-2006, SECTION 148 (before its expiration); or**

33 **(2) P.L.108-2008, SECTION 4;**

34 **is automatically redesignated as a vote center county under this**
35 **chapter.**

36 SECTION 90. IC 3-11-18-3, AS ADDED BY P.L.164-2006,
37 SECTION 119, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) ~~For~~ A county **must comply**
39 **with this section to be designated become** a vote center ~~pilot~~ county.

40 **(b) As used in this section, "board" refers to any of the**
41 **following:**

42 (1) The county election board. ~~or~~

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(2) The board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4.

(c) The board shall hold a public hearing to present a draft plan for administration of vote centers in the county.

(d) After presentation of the draft plan under subsection (c), the board shall accept written public comments on the draft plan.

(e) At least thirty (30) days after the hearing held under subsection (c), the board shall hold a public hearing to consider the draft plan, the written public comments, and any other public comment that the board may permit on the draft plan.

(f) After consideration of the draft plan and the public comments, the board may do the following:

(1) Adopt an order approving the draft plan.

(2) Amend the draft plan and adopt an order approving the amended draft plan.

The board may adopt the order to approve a plan only by unanimous vote of the entire membership of the board. must approve the filing of an application to be designated a vote center pilot county;

(2) (g) All members of the board must sign the application; and order adopting the plan.

(3) (h) The application order and the adopted plan must be filed with the secretary of state. (b) The application election division and must include a copy of:

(1) a resolution adopted by the county executive; and

(2) a resolution adopted by the county fiscal body;

approving the submission designation of the application: county as a vote center county.

SECTION 91. IC 3-11-18-4, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. The application must include a plan for the administration of vote centers in the county. The plan required by section 3 of this chapter must include at least the following:

(1) The total number of vote centers to be established.

(2) The location of each vote center. and the municipality, if any; in which the vote center is located:

(3) A list of each municipality within the county that is entitled to conduct a municipal primary or municipal election; as of the date of the application:

(3) The effective date of the order.

(4) The following information according to the computerized list (as defined in IC 3-7-26.3-2) as of the date of the order:

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- 1 (A) The total number of voters within ~~each municipality, as of~~
2 ~~the date of the application, and the county.~~
- 3 (B) The number of ~~those~~ **active** voters within ~~each~~
4 ~~municipality designated as "active" and the county.~~
- 5 (C) **The number of** inactive ~~according to~~ **voters within** the
6 county. ~~voter registration office.~~
- 7 (5) For each vote center designated under subdivision (2), a list
8 of the precincts whose polls will be located at the vote center.
- 9 (6) For each vote center designated under subdivision (2), the
10 number of precinct election boards that will be appointed to
11 administer an election at the vote center.
- 12 (7) For each precinct election board designated under subdivision
13 (6), the number and name of each precinct the precinct election
14 board will administer.
- 15 (8) For each vote center designated under subdivision (2), the
16 number and title of the precinct election officers who will be
17 appointed to serve at the vote center.
- 18 (9) For each vote center designated under subdivision (2):
19 (A) the number and type of ballot variations that will be
20 provided at the vote center; and
21 (B) whether these ballots will be:
22 (i) delivered to the vote center before the opening of the
23 polls; or
24 (ii) printed on demand for a voter's use.
- 25 (10) A detailed description of any hardware, firmware, or
26 software used:
27 (A) to create an electronic poll list for each precinct whose
28 polls are to be located at a vote center; or
29 (B) to establish a secure electronic connection between the
30 county election board and the precinct election officials
31 administering a vote center.
- 32 (11) A description of the equipment and procedures to be used to
33 ensure that information concerning a voter entered into any
34 electronic poll list used by precinct election officers at a vote
35 center is immediately accessible to:
36 (A) the county election board; and
37 (B) the electronic poll lists used by precinct election officers
38 at all other vote centers in the county.
- 39 (12) For each precinct designated under subdivision (5), the
40 number of electronic poll lists to be provided for the precinct.
- 41 (13) The security and contingency plans to be implemented by the
42 county to **do all of the following:**

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(A) Prevent a disruption of the vote center process. ~~and~~

(B) Ensure that the election is properly conducted if a disruption occurs.

(C) Prevent recording the fact that a voter has voted without the coordinated action of two (2) precinct election officers who are not members of the same political party.

(14) A certification that the vote center complies with the accessibility requirements applicable to polling places under IC 3-11-8.

(15) A sketch depicting the planned layout of the vote center, indicating the location of:

(A) equipment; and

(B) precinct election officers;

within the vote center.

(16) The total number of vote centers to be established at satellite offices that are established under IC 3-11-10-26.3 to allow voters to cast absentee ballots in accordance with IC 3-11.

(17) The method and timing of providing voter data to persons who are entitled to receive the data under this title. Data must be provided to all persons entitled to the data without unreasonable delay.

SECTION 92. IC 3-11-18-5, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. ~~(a) Except for a municipality described in subsection (b);~~ A plan must provide a vote center for use by voters residing in ~~each municipality~~ within the county ~~conducting a municipal primary or a municipal election for use in a primary, general, or special election conducted on or after the effective date of the county election board's order.~~

~~(b) A vote center may not be used in a municipal primary or municipal election conducted within a municipality that is partially located in a county that has not been designated a vote center pilot county.~~

SECTION 93. IC 3-11-18-6, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. When the total number of **active** voters ~~in the county designated under section 4(4) of this chapter as "active"~~ equals at least twenty-five thousand (25,000), ~~in the municipalities listed in the plan;~~ the following apply:

(1) The plan must provide for at least one (1) vote center for each ten thousand (10,000) active voters.

(2) In addition to the vote centers designated in subdivision (1),

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the plan must provide for a vote center for any fraction of ten thousand (10,000) voters.

SECTION 94. IC 3-11-18-7, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. Before ~~approving an application to designate~~ **adopting an order designating** a county as a vote center ~~pilot~~ county under this chapter, the ~~secretary of state~~ **county election board** must determine the following:

(1) That the secure electronic connection as described under section 4(10)(B) of this chapter is sufficient to prevent:

(A) any voter from voting more than once; and

(B) unauthorized access by any person to:

(i) the electronic poll lists for a precinct whose polls are to be located at the vote center; or

(ii) the computerized list of voters of the county.

(2) That the planned design and location of the equipment and precinct officers will provide the most efficient access for:

(A) voters to enter the polls, cast their ballots, and leave the vote center; and

(B) precinct election officials, watchers, challengers, and pollbook holders to exercise their rights and perform their duties within the vote center.

SECTION 95. IC 3-11-18-8, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. **(a)** The designation of a county as a vote center ~~pilot~~ county takes effect immediately **upon the filing of the order with the election division**, unless otherwise specified by the ~~secretary of state~~ **county election board**.

(b) The designation of a county as a vote center county remains in effect until the county election board, by unanimous vote of its entire membership:

(1) rescinds the order designating the county as a vote center county; and

(2) files a copy of the document rescinding the order with the election division.

SECTION 96. IC 3-11-18-11, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. Except as otherwise provided by this chapter, the county shall administer an election conducted at a vote center in accordance with federal law, this title, and the plan ~~submitted~~ **adopted** with the ~~application~~ **county election board's order** under section 4 of this chapter.

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SECTION 97. IC 3-11-18-12, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. Notwithstanding any other law, a voter who resides in a vote center ~~pilot~~ county is entitled to cast an absentee ballot at a vote center located at a satellite office of the county election board established under IC 3-11-10-26.3 in the same manner and subject to the same restrictions applicable to a voter wishing to cast an absentee ballot before an absentee board located in the office of the circuit court clerk or board of elections and registration.

SECTION 98. IC 3-11-18-13, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. Notwithstanding any other law, the electronic poll list used at each vote center:

(1) must comply with IC 3-11-8-10.3;

~~(+)~~ **(2)** must be capable of capturing an electronic image of the signature of a voter on the list; and

~~(2)~~ **(3)** may be in a format approved by the secretary of state.

SECTION 99. IC 3-11-18-14, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. Notwithstanding any other law, including IC 3-11-8-2 and IC 3-14-2-11, a voter who resides in a vote center ~~pilot~~ county is entitled to cast a ballot at any vote center established in the county without regard to the precinct in which the voter resides.

SECTION 100. IC 3-11-18-17, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. (a) ~~The secretary of state may permit~~ A county ~~to may~~ amend a plan ~~submitted~~ **adopted with a county election board's order** under section 4 of this chapter.

(b) For a county to amend its plan:

(1) the county election board (or board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4), by unanimous vote of the entire membership of the board, must approve the ~~filing of a request to amend the plan~~ **amendment**;

(2) all members of the board must sign the ~~request~~ **amendment**; and

(3) the ~~request amendment~~ must be filed with the ~~secretary of state~~ **election division**.

~~(c) The request for amendment must set forth the specific amendments proposed to be made to the plan.~~

(c) A plan amendment takes effect immediately upon filing with the election division, unless otherwise specified by the county

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1 **election board.**

2 SECTION 101. IC 3-11.7-1-4 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. Each circuit court
4 clerk shall:

5 (1) not less than sixty (60) days before the date on which a
6 general ~~or~~ primary ~~or municipal~~ election is held; or

7 (2) not more than three (3) days after the date on which a special
8 election is ordered;

9 estimate the number of provisional ballots that will be required in the
10 county for the election.

11 SECTION 102. IC 3-11.7-1-6 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) All provisional
13 ballots shall be prepared and printed under the direction of each county
14 election board.

15 (b) After completing the estimate required by section 4 of this
16 chapter, the county election board shall immediately prepare the ballots
17 and have the ballots printed.

18 (c) Except as provided in subsection (e), ballots prepared by the
19 county election board under this section must provide space for the
20 voter to cast a write-in ballot.

21 (d) The provisional ballots that are prepared and printed under this
22 section shall be delivered to the circuit court clerk not later than:

23 (1) forty-five (45) days before a general ~~or~~ primary ~~or municipal~~
24 election; or

25 (2) thirty-two (32) days before a special election.

26 (e) Space for write-in voting for an office is not required if there are
27 no declared write-in candidates for that office. However, procedures
28 must be implemented to permit write-in voting for candidates for
29 federal offices.

30 (f) This subsection applies to the printing of provisional ballots for
31 a general election in ~~which the names of the nominees for President~~
32 ~~and Vice President of the United States are to be printed on the ballot.~~
33 **a presidential election year.** The provisional ballots that are prepared
34 and printed under this section must be delivered to the circuit court
35 clerk or the clerk's authorized deputy not later than thirty-eight (38)
36 days before the general election.

37 SECTION 103. IC 3-12-5-2 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Whenever a
39 candidate is elected:

40 (1) to a local or school board office other than:

41 (A) one for which a town clerk-treasurer issues a certificate of
42 election under IC 3-10-7-34 **before January 1, 2012;** or

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(B) one commissioned by the governor under IC 4-3-1-5; or
 (2) a precinct committeeman or state convention delegate;
 the circuit court clerk shall, when permitted under section 16 of this chapter, prepare and deliver to the candidate on demand a certificate of the candidate's election.

(b) This subsection applies to a local or school board office described in subsection (a) with an election district located in more than one (1) county and a local public question placed on the ballot in more than one (1) county. The circuit court clerk of the county that contains the greatest percentage of the population of the election district shall, upon demand of the candidate or a person entitled to request a recount of the votes cast on a public question under IC 3-12-12:

(1) obtain the certified statement of the votes cast for that office or on that question that was prepared under IC 3-12-4-9 from the circuit court clerk in each other county in which the election district is located;

(2) tabulate the total votes cast for that office or on that question as shown on the certified statement of each county in the election district; and

(3) issue a certificate of election to the candidate when permitted under section 16 of this chapter or a certificate declaring the local public question approved or rejected.

SECTION 104. IC 3-12-6-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 31. (a) The circuit court clerk shall transmit the certificate prepared under section 30 of this chapter to the election division, the county election board or other public official authorized by this title to issue:

(1) a certificate of nomination under IC 3-8-7;

(2) a certificate of election under IC 3-10-7-34 (**before January 1, 2012**) or IC 3-12-5-2; or

(3) a commission for the office under IC 4-3-1-5.

(b) The election division shall provide a copy of a certificate transmitted to the election division under this section to the office.

SECTION 105. IC 3-12-9-1, AS AMENDED BY P.L.230-2005, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Whenever a tie vote at an election for:

(1) a federal office;

(2) a state office (other than governor and lieutenant governor);
 or

(3) a legislative office;

occurs, a special election shall be held.

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(b) Whenever a tie vote occurs at a primary election for the nomination of a candidate to be voted for at the general ~~or municipal~~ election, IC 3-13-1-17 applies.

SECTION 106. IC 3-13-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. Except as provided in section 18 or 20 of this chapter, this chapter applies to the filling of a candidate vacancy that arises for any reason if the vacancy leaves a major political party without a candidate for the office and occurs before the thirtieth day before a general ~~or special or municipal~~ election.

SECTION 107. IC 3-13-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. A candidate vacancy that exists on a primary election ballot may not be filled for the primary election. The resulting vacancy on the following general ~~or municipal~~ election ballot may be filled in the manner prescribed by this chapter, but only if it is filled ~~by~~ **not later than** noon June 30 before election day.

SECTION 108. IC 3-13-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) Except as provided in subsection (b), action to fill a candidate vacancy must be taken:

- (1) not later than noon June 30 after the primary election if the vacancy exists on a general ~~or municipal~~ election ballot; and
- (2) within thirty (30) days after the occurrence of the vacancy, if the vacancy exists on a special election ballot, subject to section 2 of this chapter.

(b) This subsection applies to a candidate vacancy that exists before the thirtieth day before a general ~~municipal~~, or special election and that is due to any of the following:

- (1) The death of a candidate.
- (2) The withdrawal of a candidate.
- (3) The disqualification of a candidate under IC 3-8-1-5.
- (4) A court order issued under IC 3-8-7-29(d).

Action to fill a candidate vacancy under section 3, 4, 5, or 6 of this chapter for reasons permitted under this subsection must be taken within thirty (30) days after the occurrence of the vacancy.

SECTION 109. IC 3-13-1-16.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16.5. (a) All questions concerning the validity of a certificate of candidate selection filed with the election division shall be determined by the commission. A statement questioning the validity of a certificate of candidate selection must be filed with the election division under IC 3-8-1-2(c) not later

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1 than noon seventy-four (74) days before the date on which the general
2 ~~or municipal~~ election will be held for the office.

3 (b) All questions concerning the validity of a certificate of candidate
4 selection filed with a circuit court clerk shall be referred to and
5 determined by the county election board. A statement questioning the
6 validity of a certificate of candidate selection must be filed with the
7 county election board under IC 3-8-1-2(c) not later than noon
8 seventy-four (74) days before the date on which the general ~~or~~
9 ~~municipal~~ election will be held for the office.

10 (c) The commission or a county election board shall rule on the
11 validity of the certificate of candidate selection not later than noon
12 sixty (60) days before the date on which the general ~~or municipal~~
13 election will be held for the office.

14 SECTION 110. IC 3-13-1-19 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. A person who was
16 defeated in a primary election or in a ~~town or state~~ convention is
17 eligible to be appointed by the political party that the person affiliated
18 with by voting in the most recent primary election held by that party.
19 The person selected may fill any vacancy on the party's ticket as a
20 candidate in any general ~~municipal~~, or special election following that
21 primary election or convention in which the vacancy occurred.
22 However, a person is not disqualified from appointment under this
23 section for not having voted in the most recent primary election if the
24 appointee is certified as a member of that party by the county chairman
25 for the county in which the appointee resides.

26 SECTION 111. IC 3-13-2-1 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies
28 to the filling of a candidate vacancy that exists due to the:

- 29 (1) death of a political party's candidate;
30 (2) withdrawal of a candidate who has moved from the election
31 district;
32 (3) disqualification of a candidate under IC 3-8-1-5; or
33 (4) issuance of a court order under IC 3-8-7-29(d);

34 for nomination or election to an office at a general ~~municipal~~, or special
35 election after the thirty-first day before a general ~~municipal~~, or special
36 election.

37 SECTION 112. IC 3-13-2-10 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. A person who was
39 defeated in a primary election or in a ~~town or state~~ convention is
40 eligible to be appointed by the person's own political party to fill any
41 vacancy on the party's ticket as a candidate in any general ~~municipal~~,
42 or special election following that primary election or convention.

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SECTION 113. IC 3-13-8-4, AS AMENDED BY P.L.119-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) This section applies to a vacancy in the city-county council of a first class city not covered by section 1 of this chapter.

(b) A vacancy shall be filled by a majority of the remaining members of the council at a regular or special meeting. The city clerk shall give notice of the meeting. Except as provided in subsection (c), the meeting shall be held not later than thirty (30) days after the vacancy occurs. The notice must:

- (1) be in writing;
- (2) state the purpose of the meeting;
- (3) state the date, time, and place of the meeting; and
- (4) be sent by first class mail to each council member at least ten (10) days before the meeting.

(c) If a vacancy exists because of the death of a council member, the council shall meet and select an individual to fill the vacancy not later than thirty (30) days after the city clerk receives notice of the death under IC 5-8-6. The city clerk may not give the notice required by subsection (b) until the city clerk receives notice of the death under IC 5-8-6.

(d) The appointed member serves until a successor is elected and qualified at the next ~~municipal~~ or general election. ~~whichever occurs first.~~ The successor serves from noon January 1 following that election to noon January 1 following the next ~~municipal~~ **general** election, as provided in IC 36-3-4-2. The persons appointed and elected must be resident voters in the district where the vacancy occurred, unless the vacancy occurred in an at large seat.

SECTION 114. IC 5-4-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The oath required by section 1 of this chapter, except in the case of a notary public or in those cases specified in section 3 of this chapter, shall be endorsed on or attached to the:

- (1) commission;
- (2) certificate if a certificate was issued under IC 3-10-7-34 **(before January 1, 2012)**, IC 3-12-4, or IC 3-12-5; or
- (3) certificate of appointment pro tempore under IC 3-13-11-11; signed by the person taking the oath, and certified to by the officer before whom the oath was taken, who shall also deliver to the person taking the oath a copy of the oath.

(b) A copy of the oath of office of a prosecuting attorney shall be:

- (1) recorded on the bond required by section 20 of this chapter; or

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(2) attached to the commission of the prosecuting attorney.

SECTION 115. IC 20-23-4-12, AS AMENDED BY P.L.2-2006, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) In formulating a preliminary reorganization plan and with respect to each of the community school corporations that are a part of the reorganization plan, the county committee shall determine the following:

(1) The name of the community school corporation.

(2) Subject to subsection (e), a general description of the boundaries of the community school corporation.

(3) With respect to the board of school trustees, **the following:**

(A) Whether the number of members is:

(i) three (3);

(ii) five (5); or

(iii) seven (7).

(B) Whether the members are elected or appointed.

(C) If the members are appointed:

(i) when the appointments are made; and

(ii) who makes the appointments.

(D) If the members are elected, ~~whether that~~ the election is at

~~(i) the primary election at which county officials are nominated; or~~

~~(ii) the general election at which county officials are elected.~~
~~and~~

(E) Subject to sections 21 and 22 of this chapter, the manner in which members are elected or appointed.

(4) The compensation, if any, of the members of the regular and interim board of school trustees, which may not exceed the amount provided in IC 20-26-4-7.

(5) Subject to subsection (f), qualifications required of the members of the board of school trustees, including limitations on:

(A) residence; and

(B) term of office.

(6) If an existing school corporation is divided in the reorganization, the disposition of assets and liabilities.

(7) The disposition of school aid bonds, if any.

(b) If existing school corporations are not divided in the reorganization, the:

(1) assets;

(2) liabilities; and

(3) obligations;

of the existing school corporations shall be transferred to and assumed

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by the new community school corporation of which they are a part, regardless of whether the plan provides for transfer and assumption.

(c) The preliminary plan must be supported by a summary statement of the following:

(1) The educational improvements the plan's adoption will make possible.

(2) Data showing the:

(A) assessed valuation;

(B) number of resident students in ADA in grades 1 through 12;

(C) assessed valuation per student referred to in clause (B); and

(D) property tax levies;

of each existing school corporation to which the plan applies.

(3) The:

(A) assessed valuation;

(B) resident ADA; and

(C) assessed valuation per student;

data referred to in subdivision 2(A) through 2(C) that would have applied for each proposed community school corporation if the corporation existed in the year the preliminary plan is prepared or notice of a hearing or hearings on the preliminary plan is given by the county committee. ~~and~~

(4) Any other data or information the county committee considers appropriate or that may be required by the state board in its rules.

(d) The county committee:

(1) shall base the assessed valuations and tax levies referred to in subsection (c)(2) through (c)(3) on the valuations applying to taxes collected in:

(A) the year the preliminary plan is prepared; or

(B) the year notice of a hearing or hearings on the preliminary plan is given by the county committee;

(2) may base the resident ADA figures on the calculation of the figures under the rules under which they are submitted to the state superintendent by existing school corporations; and

(3) shall set out the resident ADA figures for:

(A) the school year in progress if the figures are available for that year; or

(B) the immediately preceding school year if the figures are not available for the school year in progress.

The county committee may obtain the data and information referred to in this subsection from any source the committee considers reliable. If

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the county committee attempts in good faith to comply with this subsection, the summary statement referred to in subsection (c) is sufficient regardless of whether the statement is exactly accurate.

(e) The general description referred to in subsection (a)(2) may consist of an identification of an existing school corporation that is to be included in its entirety in the community school corporation. If a boundary does not follow the boundary of an existing civil unit of government or school corporation, the description must set out the boundary:

(1) as near as reasonably possible by:

(A) streets;

(B) rivers; and

(C) other similar boundaries;

that are known by common names; or

(2) if descriptions as described in subdivision (1) are not possible, by section lines or other legal description.

The description is not defective if there is a good faith effort by the county committee to comply with this subsection or if the boundary may be ascertained with reasonable certainty by a person skilled in the area of real estate description. The county committee may require the services of the county surveyor in preparing a description of a boundary line.

(f) A member of the board of school trustees:

(1) may not serve an appointive or elective term of more than four (4) years; and

(2) may serve more than one (1) consecutive appointive or elective term.

SECTION 116. IC 20-23-4-29.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 29.1. (a) This section applies to each school corporation.**

(b) If a plan provides for election of members of the governing body, the members of the governing body shall be elected at a general election. Each candidate must in accordance with IC 3-8-2.5 file a petition of nomination that is signed by the candidate and by ten (10) registered voters residing within the boundaries of the community school corporation. The filing must be made within the time specified by IC 3-8-2.5-4.

(c) All nominations shall be listed for each office in the form prescribed by IC 3-11-2, but without party designation. Voting and tabulation of votes shall be conducted in the same manner as voting and tabulation in general elections are conducted. The precinct

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election boards serving in each county shall conduct the election for members of the governing body. If a school corporation is located in more than one (1) county, each county election board shall print the ballots required for voters in that county to vote for candidates for members of the governing body.

(d) If the plan provides that the members of the governing body shall be elected by all the voters of the community school corporation, candidates shall be placed on the ballot in the form prescribed by IC 3-11-2, without party designation. The candidates who receive the most votes are elected.

(e) If the plan provides that members of the governing body are to be elected from residence districts by all voters in the community school corporation, nominees for the governing body shall be placed on the ballot in the form prescribed by IC 3-11-2, by residence districts without party designation. The ballot must state the number of members to be voted on and the maximum number of members that may be elected from each residence district as provided in the plan. A ballot is not valid if more than the maximum number of members are voted on from a board member residence district. The candidates who receive the most votes are elected. However, if more than the maximum number that may be elected from a residence district are among those receiving the most votes, the candidates from the residence districts exceeding the maximum number who receive the fewest votes shall be eliminated in determining the candidates who are elected.

(f) If the plan provides that members of the governing body are to be elected from electoral districts solely by the voters of each district, nominees residing in each electoral district shall be placed on the ballot in the form prescribed by IC 3-11-2, without party designation. The ballot must state the number of members to be voted on from the electoral district. The candidates residing in the electoral district who receive the most votes are elected.

SECTION 117. IC 20-23-4-30, AS ADDED BY P.L.230-2005, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 30. (a) This section applies to each school corporation.

(b) If the governing body is to be elected at the primary election, each registered voter may vote in the governing body election without otherwise voting in the primary election:

(b) If a tie vote occurs among any of the candidates, the tie vote shall be resolved under IC 3-12-9-4.

(c) If after the first governing body takes office, there is a

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vacancy on the governing body for any reason, including the failure of the sufficient number of petitions for candidates being filed, whether the vacating member was elected or appointed, the remaining members of the governing body, whether or not a majority of the governing body, shall by a majority vote fill the vacancy by appointing a person from within the boundaries of the community school corporation to serve for the term or balance of the term. An individual appointed under this subsection must possess the qualifications provided for a regularly elected or appointed governing body member filling the office. If:

(1) a tie vote occurs among the members of the governing body under this subsection or IC 3-12-9-4; or

(2) the governing body fails to act within thirty (30) days after any vacancy occurs;

the judge of the circuit court in the county where the majority of registered voters of the school corporation reside shall make the appointment.

~~(e)~~ **(d)** A vacancy in the governing body occurs if a member ceases to be a resident of any community school corporation. A vacancy does not occur when the member moves from a district of the school corporation from which the member was elected or appointed if the member continues to be a resident of the school corporation.

~~(f)~~ **(e)** At the first ~~primary~~ or general election in which members of the governing body are elected:

(1) a simple majority of the candidates elected as members of the governing body who receive the ~~highest~~ **greatest** number of votes shall be elected for four (4) year terms; and

(2) the balance of the candidates elected as members of the governing body receiving the next ~~highest~~ **greatest** number of votes shall be elected for two (2) year terms.

Thereafter, all school board members shall be elected for four (4) year terms.

~~(g)~~ **(f)** ~~Elected~~ governing body members ~~elected~~:

~~(1) in November~~ take office and assume their duties on January 1 or July 1 after their election, as determined by the board of school trustees before the election. ~~and~~

~~(2) in May~~ take office and assume their duties on July 1 after their election.

SECTION 118. IC 20-23-7-6, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) The first metropolitan board of education shall be composed of the:

(1) trustees; and

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(2) members of school boards;
of the school corporations forming the metropolitan board of education.

(b) The members of the metropolitan board of education shall serve ex officio as members subject to the laws concerning length of terms, powers of election, or appointment and filling vacancies applicable to their respective offices.

(c) If a metropolitan school district is comprised of only two (2) board members, the two (2) members shall appoint a third board member not more than ten (10) days after the creation of the metropolitan school district. If the two (2) members are unable to agree on or do not make the appointment of a third board member within the ten (10) day period after the creation of the metropolitan school district, the third member shall be appointed not more than twenty (20) days after the creation of the metropolitan school district by the judge of the circuit court of the county in which the metropolitan school district is located. If the metropolitan school district is located in two (2) or more counties, the judge of the circuit court of the county containing that part of the metropolitan school district having more students than the part or parts located in another county or counties shall appoint the third member. The members of the metropolitan board of education serve until their successors are elected or appointed and qualified.

(d) The first meeting of the first metropolitan board of education shall be held not more than one (1) month after the creation of the metropolitan school district. The first meeting shall be called by the superintendent of schools, or township trustee of a school township, of the school corporation in the district having the largest number of students. At the first meeting, the board shall organize, and **each year** during the first ten (10) days ~~of each July~~ **after the board members that are elected or appointed to a new term take office**, the board shall reorganize, by electing a president, a vice president, a secretary, and a treasurer.

(e) The secretary of the board shall keep an accurate record of the minutes of the metropolitan board of education, and the minutes shall be kept in the superintendent's office. When a metropolitan school district is formed, the metropolitan superintendent shall act as administrator of the board and shall carry out the acts and duties as designated by the board. A quorum consists of a majority of the members of the board. A quorum is required for the transaction of business. The vote of a majority of those present is required for a:

- (1) motion;
- (2) ordinance; or
- (3) resolution;

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1 to pass.

2 (f) The board shall conduct its affairs in the manner described in this
3 section. Except in unusual cases, the board shall hold its meetings at
4 the office of the metropolitan superintendent or at a place mutually
5 designated by the board and the superintendent. Board records are to
6 be maintained and board business is to be conducted from the office of
7 the metropolitan superintendent or a place designated by the board and
8 the superintendent.

9 (g) The metropolitan board of education shall have the power to pay
10 to a member of the board:

11 (1) a reasonable per diem for service on the board not to exceed
12 one hundred twenty-five dollars (\$125) per year; and

13 (2) for travel to and from a member's home to the place of the
14 meeting within the district, a sum for mileage equal to the amount
15 per mile paid to state officers and employees. The rate per mile
16 shall change when the state government changes its rate per mile.

17 SECTION 119. IC 20-23-7-8.1 IS ADDED TO THE INDIANA
18 CODE AS A NEW SECTION TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2009]: **Sec. 8.1. (a) The registered voters of
20 the metropolitan school district shall elect the members of the
21 metropolitan board of education at general elections held
22 biennially, beginning with the next general election that is held
23 more than sixty (60) days after the creation of the metropolitan
24 school district as provided in this chapter.**

25 (b) Each nominee for the board must file a petition of
26 nomination signed by the nominee and by ten (10) registered voters
27 residing in the same board member district as the nominee. The
28 petition must be filed in accordance with IC 3-8-2.5 with the circuit
29 court clerk of each county in which the metropolitan school district
30 is located.

31 (c) Nominees for the board shall be listed on the general election
32 ballot:

33 (1) in the form prescribed by IC 3-11-2;

34 (2) by board member districts; and

35 (3) without party designation.

36 **The ballot must state the number of board members to be voted on
37 and the maximum number of members that may be elected from
38 each board member district as provided under section 5 of this
39 chapter. A ballot that contains more votes than the maximum
40 number allowed from a board member district is invalid.**

41 (d) The precinct election boards in each county serving at the
42 general election shall conduct the election for school board

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1 members.

2 (e) Voting and tabulation of votes shall be conducted in
3 accordance with IC 3, and the candidates who receive the most
4 votes are elected to the board.

5 (f) If there are more candidates from a particular board
6 member district than may be elected from the board member
7 district under section 5 of this chapter:

8 (1) the number of candidates elected is the greatest number
9 that may be elected from the board member district;

10 (2) the candidates elected are those who, among the
11 candidates from the board member district, receive the most
12 votes; and

13 (3) the other candidates from the board member district are
14 eliminated.

15 (g) If there is a tie vote among the candidates for the board, the
16 judge of the circuit court in the county where the majority of the
17 registered voters of the metropolitan school district reside shall
18 select one (1) of the candidates, who shall be declared and certified
19 elected.

20 (h) If, at any time after the first board member election, a
21 vacancy on the board occurs for any reason, including an
22 insufficient number of petitions for candidates being filed, and
23 regardless of whether the vacating member was elected or
24 appointed, the remaining members of the board, whether or not a
25 majority of the board, shall by a majority vote fill the vacancy by:

26 (1) appointing a person from the board member district from
27 which the person who vacated the board was elected; or

28 (2) if the person was appointed, appointing a person from the
29 board member district from which the last elected
30 predecessor of the person was elected.

31 If a majority of the remaining members of the board is unable to
32 agree or the board fails to act within thirty (30) days after a
33 vacancy occurs, the judge of the circuit court in the county where
34 the majority of registered voters of the metropolitan school district
35 reside shall make the appointment.

36 (i) At a general election held on the earlier of:

37 (1) more than sixty (60) days after an elected board member
38 vacates membership on the board; or

39 (2) immediately before the end of the term for which the
40 vacating member was elected;

41 a successor to a board member appointed under subsection (h)
42 shall be elected. Unless the successor takes office at the end of the

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term of the vacating member, the member shall serve only for the balance of the vacating member's term. In an election for a successor board member to fill a vacancy for a two (2) year balance of a term, candidates for board membership need not file for or with reference to the vacancy. However, as required by IC 3-11-2, candidates for at-large seats must be distinguished on the ballot from candidates for district seats. If there is more than one (1) at-large seat on the ballot due to this vacancy, the elected candidate who receives the fewest votes at the election at which the successor is elected shall serve for a two (2) year term.

(j) At the first general election in which members of the board are elected under this section, the elected candidates who constitute a simple majority of the elected candidates and who receive the most votes shall be elected for four (4) year terms and the other elected candidates shall be elected for two (2) year terms.

(k) After the first general election referred to in subsection (j), board members shall be elected for four (4) year terms and shall take office January 1 following their election.

SECTION 120. IC 20-23-7-12, AS AMENDED BY P.L.1-2007, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) As used in this section, "county" means the county in which the school township is located.

(b) As used in this section, "school township" means a school township in Indiana that:

(1) for the last full school semester immediately preceding:

(A) the adoption of a preliminary resolution by the township trustee and the township board under subsection (f); or

(B) the adoption of a resolution of disapproval by the township trustee and the township board under subsection (g);

had an ADM of at least six hundred (600) students in kindergarten through grade 12 in the public schools of the school township; or

(2) is part of a township in which there were more votes cast for township trustee outside the school township than inside the school township in the general election at which the trustee was elected and that preceded the adoption of the preliminary or disapproving resolution.

(c) As used in this section, "township board" means the township board of a township in which the school township is located.

(d) As used in this section, "township trustee" means the township trustee of the township in which the school township is located.

(e) In a school township, a metropolitan school district may be

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created by complying with this section. A metropolitan school district created under this section shall have the same boundaries as the school township. After a district has been created under this section, the school township that preceded the metropolitan school district is abolished. The procedures or provisions governing the creation of a metropolitan school district under another section of this chapter do not apply to the creation of a district under this section. After a metropolitan school district is created under this section, the district shall, except as otherwise provided in this section, be governed by and operate in accordance with this chapter governing the operation of a metropolitan school district as established under section 2 of this chapter.

(f) Except as provided in subsection (g), a metropolitan school district provided for in subsection (e) may be created in the following manner:

(1) The township trustee shall call a meeting of the township board. At the meeting, the township trustee and a majority of the township board shall adopt a resolution that a metropolitan school district shall be created in the school township. The township trustee shall then give notice:

(A) by two (2) publications one (1) week apart in a newspaper of general circulation published in the school township; or

(B) if there is no newspaper as described in clause (A), in a newspaper of general circulation in the county;

of the adoption of the resolution setting forth the text of the resolution.

(2) On the thirtieth day after the date of the last publication of the notice under subdivision (1) and if a protest has not been filed, the township trustee and a majority of the township board shall confirm their preliminary resolution. If, however, on or before the twenty-ninth day after the date of the last publication of the notice, a number of registered voters of the school township, equal to five percent (5%) or more of the number of votes cast in the school township for secretary of state at the last preceding general election for that office, sign and file with the township trustee a petition requesting an election in the school township to determine whether or not a metropolitan school district must be created in the township in accordance with the preliminary resolution, then an election must be held as provided in subsection (h). The preliminary resolution and confirming resolution provided in this subsection shall both be adopted at a meeting of the township trustee and township board in which the

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township trustee and each member of the township board received or waived a written notice of the date, time, place, and purpose of the meeting. The resolution and the proof of service or waiver of the notice shall be made a part of the records of the township board.

(g) Except as provided in subsection (f), a metropolitan school district may also be created in the following manner:

(1) A number of registered voters of the school township, equal to five percent (5%) or more of the votes cast in the school township for secretary of state at the last general election for that office, shall sign and file with the township trustee a petition requesting the creation of a metropolitan school district under this section.

(2) The township trustee and a majority of the township board shall, not more than ten (10) days after the filing of a petition:

(A) adopt a preliminary resolution that a metropolitan school district shall be created in the school township and proceed as provided in subsection (f); or

(B) adopt a resolution disapproving the creation of the district.

(3) If either the township trustee or a majority of township board members vote in favor of disapproving the resolution, an election must be held to determine whether or not a metropolitan school district shall be created in the school township in the same manner as is provided in subsection (f) if an election is requested by petition.

(h) An election required under subsection (f) or (g) may, at the option of the township trustee, be held either as a special election or in conjunction with a primary or general election to be held not more than one hundred twenty (120) days after the filing of a petition under subsection (f) or the adoption of the disapproving resolution under subsection (g). The township trustee shall certify the question to the county election board under IC 3-10-9-3 and give notice of an election:

(1) by two (2) publications one (1) week apart in a newspaper of general circulation in the school township; or

(2) if a newspaper described in subdivision (1) does not exist, in a newspaper of general circulation published in the county.

The notice must provide that on a day and time named in the notice, the polls shall be opened at the usual voting places in the various precincts in the school township for the purpose of taking the vote of the registered voters of the school township regarding whether a metropolitan school district shall be created in the township. The election shall be held not less than twenty (20) days and not more than

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thirty (30) days after the last publication of the notice unless a primary or general election will be conducted not more than six (6) months after the publication. In that case, the county election board shall place the public question on the ballot at the primary or general election. If the election is to be a special election, the township trustee shall give notice not more than thirty (30) days after the filing of the petition or the adoption of the disapproving resolution.

(i) On the day and time named in the notice, the polls shall be opened and the votes of the voters shall be taken regarding whether a metropolitan school district shall be created in the school township. IC 3 governs the election except as otherwise provided in this chapter. The county election board shall conduct the election. The public question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state, "Shall a metropolitan school district under IC 20-23-7 be formed in the _____ School Township of _____ County, Indiana?". The name of the school township shall be inserted in the blanks.

(j) The votes cast in the election shall be canvassed at a place in the school township determined by the county election board. The certificate of the votes cast for and against the creation of a metropolitan school district shall be filed in the records of the township board and recorded with the county recorder. If the special election is not conducted at a primary or general election, the school township shall pay the expense of holding the election out of the school general fund that is appropriated for this purpose.

(k) A metropolitan school district shall, subject to section 7 of this chapter, be created on the thirtieth day after the date of the adoption of the confirming resolution under subsection (f) or an election held under subsection (h). If a public official fails to do the official's duty within the time prescribed in this section, the failure does not invalidate the proceedings taken under this section. An action to contest the validity of the creation of a metropolitan school district under this section or to enjoin the operation of a metropolitan school district may not be instituted later than the thirtieth day following the date of the adoption of the confirming resolution under subsection (f) or of the election held under subsection (h). Except as provided in this section, an election under this subsection may not be held sooner than twelve (12) months after another election held under subsection (h).

(l) A metropolitan school district is known as "The Metropolitan School District of _____ Township, _____ County, Indiana". The first metropolitan board of education in a metropolitan school district created under this section consists of five (5) members.

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The township trustee and the township board members are ex officio members of the first board, subject to the laws concerning length of their respective terms of office, manner of election or appointment, and the filling of vacancies applicable to their respective offices. The ex officio members serve without compensation or reimbursement for expenses, other than that which they may receive from their respective offices. The township board shall, by a resolution recorded in its records, appoint the fifth member of the metropolitan board of education. The fifth member shall meet the qualifications of a member of a metropolitan board of education under this chapter, with the exception of the board member district requirements provided in sections 4, 5, and ~~8~~ **8.1** of this chapter.

(m) A fifth board member shall be appointed not more than fifteen (15) days after the date of the adoption of the confirming resolution under subsection (f)(2) or an election held under subsection (h). The first board shall hold its first meeting not more than fifteen (15) days after the date when the fifth board member is appointed or elected, on a date established by the township board in the resolution in which it appoints the fifth board member. The first board shall serve until ~~July~~ **† January 1** following the election of a metropolitan school board at the first ~~primary~~ **general** election held more than sixty (60) days following the creation of the metropolitan school district.

(n) After the creation of a metropolitan school district under this section, the president of the metropolitan school board of the district shall serve as a member of the county board of education and perform the duties on the county board of education that were previously performed by the township trustee. The metropolitan school board and superintendent of the district may call upon the assistance of and use the services provided by the county superintendent of schools. This subsection does not limit or take away the powers, rights, privileges, or duties of the metropolitan school district or the board or superintendent of the district provided in this chapter.

SECTION 121. IC 20-23-8-7, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) A plan or proposed plan must contain the following items:

- (1) The number of members of the governing body, which shall be:
 - (A) three (3);
 - (B) five (5); or
 - (C) seven (7);
- members.

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(2) Whether the governing board shall be elected or appointed.

(3) If appointed, when and by whom, and a general description of the manner of appointment that conforms with the requirements of IC 20-23-4-28.

~~(4) If elected, whether the election shall be at the primary or at the general election that county officials are nominated or elected; and a general description of the manner of election that conforms with the requirements of IC 20-23-4-27.~~

(4) A provision that the members of an elected governing board shall be elected at the general election at which county officials are elected.

(5) The limitations on:

(A) residence;

(B) term of office; and

(C) other qualifications;

required by members of the governing body.

(6) The time the plan takes effect.

A plan or proposed plan may have additional details to make the provisions of the plan workable. The details may include provisions relating to the commencement or length of terms of office of the members of the governing body taking office under the plan.

(b) Except as provided in subsection (a)(1), in a city having a population of more than fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000), the governing body described in a plan may have up to nine (9) members.

SECTION 122. IC 20-23-8-21, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. An election may not be held under this chapter more than once each eighteen (18) months. A plan for a governing body may not be adopted more than once each six (6) years, except if **either of the following applies:**

~~(1) the plan only changes the time of voting for board members from the primary to the general election or from the general to the primary election;~~

~~(2) (1) A plan adopted is declared or held to be invalid by a binding judgment or order in a United States or an Indiana court that no appeal or further approval can be taken. or~~

~~(3) (2) The plan provides solely for changes in items specified in section 7(a)(5) of this chapter.~~

SECTION 123. IC 20-23-10-8, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) The board members of a merged school

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corporation shall be elected at the first **primary general** election following the merged school corporation's creation, and vacancies shall be filled in accordance with IC 20-23-4-30.

(b) Until the first election under subsection (a), the board of trustees of the merged school corporation consists of:

(1) the members of the governing body of a school corporation in the county other than a school township; and

(2) the township trustee of a school township in the county.

(c) The first board of trustees shall select the name of the merged school corporation by a majority vote. The name may be changed by unanimous vote of the governing body of the merged school corporation.

SECTION 124. IC 20-23-12-3, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The governing body of the school corporation consists of seven (7) members elected as follows:

(1) On a nonpartisan basis.

(2) In a **primary general** election ~~held~~ in the county.

(b) Six (6) of the members shall be elected from the school districts drawn under section 4 of this chapter. Each member:

(1) is elected from the school district in which the member resides; and

(2) upon election and in conducting the business of the governing body, represents the interests of the entire school corporation.

(c) One (1) of the members elected:

(1) is the at-large member of the governing body;

(2) may reside in any of the districts drawn under section 4 of this chapter; and

(3) upon election and in conducting the business of the governing body, represents the interests of the entire school corporation.

SECTION 125. IC 20-23-12-8, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) The term of each person elected to serve on the governing body

~~(1)~~ is four (4) years. ~~and~~

~~(2)~~ begins

(b) **The term of each person elected to serve on the governing body begins the July + January 1** that next follows the person's election.

SECTION 126. IC 20-23-12-9, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. The members are elected as follows:

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(1) Three (3) of the members elected under section 3(b) of this chapter are elected at the **primary general** election to be held in ~~2008~~ **2012** and every four (4) years thereafter.

(2) Three (3) of the members elected under section 3(b) of this chapter are elected at the **primary general** election to be held in ~~2006~~ **2010** and every four (4) years thereafter.

(3) The at-large member elected under section 3(c) of this chapter is elected at the **primary general** election to be held in ~~2008~~ **2012** and every four (4) years thereafter.

SECTION 127. IC 20-23-13-1, AS ADDED BY P.L.230-2005, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) In a community school corporation established under IC 20-23-4 that:

(1) has a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000); and

(2) is the successor in interest to a school city having the same population;

the governing body consists of a board of trustees of five (5) members elected in the manner provided in this chapter.

~~(b) At the 2008 primary election and at each primary election every four (4) years thereafter, there shall be elected in each school corporation covered by this chapter two (2) governing body members, each of whom shall serve for four (4) years. The two (2) candidates for the office of school trustee receiving the highest number of votes at the election take office on July 1 next following the election.~~

~~(c) At the 2006 primary election and at each primary election every four (4) years thereafter, there shall be elected in each school city covered by this chapter three (3) governing body members, each of whom shall serve for four (4) years. The three (3) candidates for the office of school trustee receiving the highest number of votes at the election take office on July 1 next following the election.~~

~~(d) (b)~~ The governing body members shall be elected at the times provided and shall succeed the retiring members in the order and manner as set forth in this ~~section~~ **chapter**.

SECTION 128. IC 20-23-13-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 2.1. (a) As used in this section, "county election board" includes a board of elections and registration established under IC 3-6-5.2.**

(b) The voters of the school corporation shall elect the members of the governing body at a general election for a term of four (4) years. The members shall be elected from the city at large without

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reference to district.

(c) Each candidate for election to the governing body must file a petition of nomination with the county election board in each county in which a school corporation subject to this chapter is located. The petition of nomination must comply with IC 3-8-2.5 and the following requirements:

(1) The petition must be signed by at least two hundred (200) legal voters of the school corporation.

(2) Each petition may nominate only one (1) candidate.

(3) The number of petitions signed by a legal voter may not exceed the number of school trustees to be elected.

(d) After all the petitions described in subsection (c) are filed with the county election board, the board shall publish the names of those nominated in accordance with IC 5-3-1 and shall certify the nominations in the manner required by law. IC 3 governs the election to the extent that it is not inconsistent with this chapter.

(e) The county election board shall prepare the ballot for the general election at which members of the governing body are to be elected so that the names of the candidates nominated appear on the ballot:

(1) in alphabetical order;

(2) without party designation; and

(3) in the form prescribed by IC 3-11-2.

(f) The county election board shall not publish or place on the ballot the name of a candidate who is not eligible under this chapter for membership on the governing body.

(g) Each voter may vote for as many candidates as there are members of the governing body to be elected.

SECTION 129. IC 20-23-13-3, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. The intent of this chapter is to provide that the governing body of the school corporations to which it relates shall be elected as provided in:

(1) IC 20-23-4-27; and ~~IC 20-23-4-29~~ through

(2) IC 20-23-4-29.1;

(3) IC 20-23-4-30; and

(4) IC 20-23-4-31;

but this chapter prevails over any conflicting provisions of IC 20-23-4 relating to any school corporation.

SECTION 130. IC 20-23-14-5, AS ADDED BY P.L.230-2005, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. To be eligible to be a candidate for the

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governing body under this chapter, the following apply:

(1) Each prospective candidate must file a **petition of nomination** ~~petition~~ with the board of elections and registration not earlier than one hundred four (104) days and not later than noon seventy-four (74) days before the **primary general** election at which the members are to be elected. ~~that includes~~ **The petition of nomination must include** the following: ~~information:~~

(A) The name of the prospective candidate.

(B) Whether the prospective candidate is a district candidate or an at-large candidate.

(C) A certification that the prospective candidate meets the qualifications for candidacy imposed under this chapter.

(D) The signatures of at least one hundred (100) registered voters residing in the school corporation.

(2) Each prospective candidate for a district position must:

(A) reside in the district; and

(B) have resided in the district for at least the three (3) years immediately preceding the election.

(3) Each prospective candidate for an at-large position must:

(A) reside in the school corporation; and

(B) have resided in the school corporation for at least the three (3) years immediately preceding the election.

(4) Each prospective candidate (regardless of whether the candidate is a district candidate or an at-large candidate) must:

(A) be a registered voter;

(B) have been a registered voter for at least the three (3) years immediately preceding the election; and

(C) be a high school graduate or have received a:

(i) high school equivalency certificate; or

(ii) state general educational development (GED) diploma under IC 20-20-6.

(5) A prospective candidate may not:

(A) hold any other elective or appointive office; or

(B) have a pecuniary interest in any contract with the school corporation or its governing body;

as prohibited by law.

SECTION 131. IC 20-23-14-8, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. **(a)** The term of each person elected to serve on the governing body

~~(1)~~ is four (4) years. ~~and~~

~~(2)~~ begins

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(b) The term of each person elected to serve on the governing body begins on the ~~July~~ + January 1 that next follows the person's election.

SECTION 132. IC 20-23-14-9, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. The members are elected as follows:

(1) Three (3) of the members are elected at the ~~primary~~ general election to be held in ~~2008~~ 2012 and every four (4) years thereafter.

(2) Two (2) of the members are elected at the ~~primary~~ general election to be held in ~~2006~~ 2010 and every four (4) years thereafter.

SECTION 133. IC 20-25-3-4, AS AMENDED BY P.L.1-2006, SECTION 322, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The board consists of seven (7) members. A member:

(1) must be elected on a nonpartisan basis in ~~primary~~ general elections held in the county as specified in this section; and

(2) serves a four (4) year term.

(b) Five (5) members shall be elected from the school board districts in which the members reside, and two (2) members must be elected at large. Not more than two (2) of the members who serve on the board may reside in the same school board district.

(c) If a candidate runs for one (1) of the district positions on the board, only eligible voters residing in the candidate's district may vote for that candidate. If a person is a candidate for one (1) of the at-large positions, eligible voters from all the districts may vote for that candidate.

(d) If a candidate files to run for a position on the board, the candidate must specify whether the candidate is running for a district or an at-large position.

(e) A candidate who runs for a district or an at-large position wins if the candidate receives the greatest number of votes of all the candidates for the position.

(f) Districts shall be established within the school city by the state board. The districts must be drawn on the basis of precinct lines, and as nearly as practicable, of equal population with the population of the largest district not to exceed the population of the smallest district by more than five percent (5%). District lines must not cross precinct lines. The state board shall establish:

(1) balloting procedures for the election under IC 3; and

(2) other procedures required to implement this section.

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(g) A member of the board serves under section 3 of this chapter.

(h) In accordance with subsection (k), a vacancy in the board shall be filled temporarily by the board as soon as practicable after the vacancy occurs. The member chosen by the board to fill a vacancy holds office until the member's successor is elected and qualified. The successor shall be elected at the next regular school board election occurring after the date on which the vacancy occurs. The successor fills the vacancy for the remainder of the term.

(i) An individual elected to serve on the board begins the individual's term on ~~July 1 of the year of~~ **January 1 immediately following** the individual's election.

(j) Notwithstanding any law to the contrary, each voter must cast a vote for a school board candidate or school board candidates by voting system or paper ballot. However, the same method used to cast votes for all other offices for which candidates have qualified to be on the election ballot must be used for the board offices.

(k) If a vacancy in the board exists because of the death of a member, the remaining members of the board shall meet and select an individual to fill the vacancy in accordance with subsection (h) after the secretary of the board receives notice of the death under IC 5-8-6.

SECTION 134. IC 33-33-53-5, AS AMENDED BY P.L.2-2006, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. In accordance with rules adopted by the judges of the court under section 6 of this chapter, the presiding judge shall do the following:

(1) Ensure that the court operates efficiently and judicially under rules adopted by the court.

(2) Annually submit to the fiscal body of Monroe County a budget for the court, including amounts necessary for:

(A) the operation of the circuit's probation department;

(B) the defense of indigents; and

(C) maintaining an adequate law library.

(3) Make the appointments or selections required of a circuit or superior court judge under the following statutes:

IC 8-4-21-2

IC 11-12-2-2

IC 16-22-2-4

IC 16-22-2-11

IC 16-22-7

IC 20-23-4

IC 20-23-7-6

~~IC 20-23-7-8~~ **IC 20-23-7-8.1**

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1 IC 20-26-7-8
 2 IC 20-26-7-14
 3 IC 20-47-2-15
 4 IC 20-47-3-13
 5 IC 36-9
 6 IC 36-10
 7 IC 36-12-10-10.

8 (4) Make appointments or selections required of a circuit or
 9 superior court judge by any other statute, if the appointment or
 10 selection is not required of the court because of an action before
 11 the court.

12 SECTION 135. IC 33-35-1-1, AS AMENDED BY P.L.164-2006,
 13 SECTION 141, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) During ~~2006~~ **2010** and, ~~every~~
 15 ~~fourth~~ **year** after that, **every year before a presidential election year**,
 16 a second or third class city or a town may by ordinance establish or
 17 abolish a city or town court. An ordinance to establish a city or town
 18 court must be adopted not less than one (1) year before the judge's term
 19 would begin under section 3 of this chapter.

20 (b) The judge for a court established under subsection (a) shall be
 21 elected under IC 3-10-6 or IC 3-10-7 at the municipal election in
 22 November ~~2007~~ **2011** and ~~every four (4) years thereafter.~~ **after 2011,**
 23 **as provided in IC 3-10-7.5.**

24 (c) A court established under subsection (a) comes into existence on
 25 January 1 of the year following the year in which a judge is elected to
 26 serve in that court.

27 (d) A city or town court in existence on January 1, 1986, may
 28 continue in operation until it is abolished by ordinance.

29 (e) A city or town that establishes or abolishes a court under this
 30 section shall give notice of its action to the division of state court
 31 administration of the office of judicial administration under IC 33-24-6.

32 SECTION 136. IC 33-35-1-3 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The judge of a
 34 city or town court shall be elected under:

35 **(1) IC 3-10-6 or IC 3-10-7 before January 1, 2012; and**
 36 **(2) IC 3-10-7.5 after December 31, 2011;**
 37 by the voters of the city or town.

38 (b) Except as provided in subsections (c) and (d), the term of office
 39 of a judge elected under this section is four (4) years, beginning at noon
 40 January 1 after election and continuing until a successor is elected and
 41 qualified.

42 (c) This subsection applies to a town that adopts an ordinance under

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IC 3-10-6-2.6. The term of office of:

(1) a judge elected at the next municipal election not conducted in a general election year is one (1) year; and

(2) the successors to the judge described in subdivision (1) is four (4) years;

beginning at noon January 1 after election and continuing until a successor is elected and qualified. **This subsection expires January 1, 2012.**

(d) This subsection applies to a town that adopts an ordinance under IC 3-10-7-2.7. The term of office of:

(1) a judge elected at the next municipal election not conducted in a general election year is three (3) years; and

(2) the successors to the judge described in subdivision (1) is four (4) years;

beginning noon January 1 after election and continuing until a successor is elected and qualified. **This subsection expires January 1, 2012.**

(e) Before beginning the duties of office, the judge shall, in the manner prescribed by IC 5-4-1, execute a bond conditioned upon the faithful discharge of the duties of office.

SECTION 137. IC 36-1-2-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 11.5. "Nonpresidential election year" has the meaning set forth in IC 3-5-2-33.3**

SECTION 138. IC 36-1-2-13.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 13.5. "Presidential election year" has the meaning set forth in IC 3-5-2-40.4.**

SECTION 139. IC 36-1-8-10.5, AS AMENDED BY P.L.1-2005, SECTION 231, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10.5. (a) This section does not apply to the following:

(1) An elected or appointed officer.

(2) An individual described in IC 20-26-4-11.

(b) **Subject to IC 3-5-9-4**, an employee of a political subdivision may:

(1) be a candidate for any elected office and serve in that office if elected; or

(2) be appointed to any office and serve in that office if appointed; without having to resign as an employee of the political subdivision.

SECTION 140. IC 36-1.5-4-35, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2009]: Sec. 35. (a) This section applies to an initial election:

(1) of the members of a governing body or officers that are elected by the voters for a reorganized political subdivision that:

(A) is a town; and

(B) has town boundaries that encompass part of another town that was part of the reorganization;

(2) that is conducted before the reorganization takes effect; and

(3) to which IC 3-10-7-1 applies.

(b) The members of each precinct board shall be jointly appointed by the town election boards of each of the reorganizing political subdivisions.

(c) This section expires January 1, 2012.

SECTION 141. IC 36-1.5-4-36, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 36. (a) This section applies if section 5 of this chapter requires an election for a reorganization to become effective.

(b) At the next:

(1) general election; ~~if the reorganized political subdivision is not a municipality or a school corporation;~~

~~(2) municipal election; if the reorganized political subdivision is a municipality; or~~

~~(3)~~ (2) primary or general election, as specified in an election plan adopted in substantially identical resolutions by the legislative body of each of the participating political subdivisions if the reorganized political subdivision is a school corporation;

after the voters approve a reorganization, one (1) set of officers for the reorganized political subdivision having the combined population of the reorganizing political subdivisions shall be elected by the voters in the territory of the reorganized political subdivision as prescribed by statute.

(c) In the election described in subsection (b):

(1) one (1) member of the legislative body of the reorganized political subdivision shall be elected from each election district established by the reorganizing political subdivisions in substantially identical resolutions adopted by the legislative body of each of the reorganizing political subdivisions; and

(2) the total number of at large members shall be elected as prescribed by statute for the reorganized political subdivision.

(d) If appointed officers are required in the reorganized political subdivision, one (1) set of appointed officers shall be appointed for the reorganized political subdivision. The appointments shall be made as required by statute for the reorganized political subdivision. Any

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statute requiring an appointed officer to reside in the political subdivision where the appointed officer resides shall be treated as permitting the appointed officer to reside in any part of the territory of the reorganized political subdivision.

SECTION 142. IC 36-3-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) A mayor, who is the executive of both the consolidated city and the county, shall be elected under:

(1) IC 3-10-6 before January 1, 2012; and

(2) IC 3-10-7.5 after December 31, 2011;

by the voters of the whole county.

(b) To be eligible to serve as the executive, a person must meet the qualifications prescribed by IC 3-8-1-24.

(c) The term of office of an executive is four (4) years, beginning at noon on January 1 after election and continuing until a successor is elected and qualified.

SECTION 143. IC 36-3-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) A twenty-nine (29) member city-county council, which is the legislative body of both the consolidated city and the county, shall be elected under:

(1) IC 3-10-6 before January 1, 2012; and

(2) IC 3-10-7.5 after December 31, 2011;

by the voters of the county.

(b) To be eligible to serve as a member of the legislative body, a person must meet the qualifications prescribed by IC 3-8-1-25.

(c) A member of the legislative body must reside within:

(1) the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana; and

(2) the district from which the member was elected, if applicable.

(d) A vacancy in the legislative body occurs whenever a member:

(1) dies, resigns, or is removed from office;

(2) ceases to be a resident of the county or district from which the member was elected; or

(3) is incapacitated to the extent that the member is unable to perform the member's duties for more than six (6) months.

(e) The vacancy shall be filled under IC 3-13-8.

(f) The term of office of a member of the legislative body is four (4) years, beginning at noon on January 1 after election and continuing until a successor is elected and qualified.

SECTION 144. IC 36-4-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) Whenever the classification of a city under section 1 of this chapter changes due to a

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change in the city's population, the city shall be governed by the laws applicable to its new class, except as provided by subsection (b).

(b) The membership of a city legislative body remains unchanged until the expiration of the terms of its members, despite a change in the classification of the city for any reason. At the ~~municipal~~ **general** election preceding the expiration of those terms, the number of members of the legislative body required by the laws applicable to its new class shall be elected. The powers, duties, functions, and office of an elected official of a city shall remain unchanged until the expiration of the term of the elected official, despite a change in city classification for any reason.

SECTION 145. IC 36-4-1.5-3, AS ADDED BY P.L.111-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) A town legislative body may satisfy the requirements of this section in an ordinance adopted either before or after the town's voters vote on the question described in section 2 of this chapter.

(b) If a resolution is adopted under section 2 of this chapter, the town legislative body shall adopt an ordinance providing for the transition from governance as a town to governance as a city. The ordinance adopted under this section must include the following details:

(1) A division of the town into city legislative body districts as provided in the applicable provisions of IC 36-4-6.

(2) Provisions for the election of the following officers:

(A) The city executive.

(B) The members of the city legislative body.

~~(C) The city clerk or city clerk-treasurer as appropriate under IC 36-4-10.~~

(3) The date of the first election of the city officers. The first election may be held only on the date of a general election. ~~or a municipal election.~~ Candidates for election to the city offices shall be nominated:

(A) at the corresponding primary election during a general election year; ~~or a municipal election year;~~ or

(B) as otherwise provided in IC 3.

(4) Subject to section 4 of this chapter, the term of office of each city officer elected at the first election of city officers.

(5) Any other details the town legislative body considers useful in providing for the transition of the town into a city.

(c) An ordinance adopted under this section is effective only if the voters of the town approve the conversion of the town into a city under

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section 2(6) of this chapter.

(d) The provisions of an ordinance adopted under this section are subject to all other laws governing the structure of city government.

(e) Subject to this chapter, the town legislative body or the city legislative body (after the town is changed into a city) may amend an ordinance adopted under this section.

SECTION 146. IC 36-4-1.5-4, AS ADDED BY P.L.111-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) Notwithstanding any other law, the term of office of the city officers elected at the first election of city officers held under the ordinance adopted under section 3 of this chapter:

(1) begins on January 1 after the first election of city officers; and

(2) may not extend after December 31 of the next ~~municipal~~ **general** election year that occurs after the first election of city officers.

(b) The ordinance adopted under section 3 of this chapter may provide for a shorter term of office for specified members of the city legislative body to stagger terms as permitted under IC 3 and IC 36-4-6. ~~if a general election will occur before the next municipal election after the first election of city officers.~~

(c) After ~~the first municipal election after~~ the first election of city officers, the term of office of each city officer is four (4) years.

SECTION 147. IC 36-4-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. At the next general ~~municipal~~ election after a vote in favor of a merger at an election held under section 2 or 3 of this chapter, one (1) set of officers for a municipality having the combined population of the merging municipalities shall be elected by the voters of the merging municipalities as prescribed by statute, except that:

(1) one (1) member of the municipal legislative body shall be elected from each district established under section 12 of this chapter; and

(2) the total number of at large members prescribed by statute for the ~~municipal~~ legislative body shall be elected.

SECTION 148. IC 36-4-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) The legislative bodies of municipalities that vote to merge under this chapter shall meet in joint session at the hall of the municipality having the largest population at 8 p.m. on the second Monday of January of the next year in which a general ~~municipal~~ election is to be held. At the joint meeting, the legislative bodies shall:

(1) elect a presiding officer and clerk; and

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(2) fix, by joint resolution, the boundaries of the districts from which members will be elected to the legislative body of the new municipality.

The legislative bodies shall fix the district boundaries so that, as nearly as is possible, all parts of the merging municipalities have equal representation in the legislative body of the new municipality. The district boundaries fixed under this subsection constitute the district boundaries for the new municipality until they are altered by the legislative body of the new municipality.

(b) If any territory in the municipality is not included in one (1) of the districts established under subsection (a), the territory is included in the district that:

(1) is contiguous to that territory; and

(2) contains the least population of all districts contiguous to that territory.

(c) If any territory in the municipality is included in more than one (1) of the districts established under subsection (a), the territory is included in the district that:

(1) is one (1) of the districts in which the territory is described in the joint resolution adopted under subsection (a);

(2) is contiguous to that territory; and

(3) contains the least population of all districts contiguous to that territory.

(d) A copy of the joint resolution passed under subsection (a) shall be:

(1) certified by the presiding officer;

(2) attested by the clerk; and

(3) filed with the legislative body of each of the merging municipalities and the circuit court clerk of each county in which the municipalities are located.

SECTION 149. IC 36-4-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The powers of a city are divided between the executive and legislative branches of its government. A power belonging to one (1) branch of a city's government may not be exercised by the other branch.

(b) **Subject to IC 3-5-9-4**, a city employee other than an elected or appointed public officer may:

(1) be a candidate for any elective office and serve in that office if elected; or

(2) be appointed to any office and serve in that office if appointed; without having to resign as a city employee.

SECTION 150. IC 36-4-5-2 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) A mayor, who is the city executive, shall be elected under:

(1) IC 3-10-6 before January 1, 2012; and

(2) IC 3-10-7.5 after December 31, 2011;

by the voters of each city.

(b) A person is eligible to be a city executive only if the person meets the qualifications prescribed by IC 3-8-1-26.

(c) Residency in territory that is annexed by the city before the election is considered residency for the purposes of subsection (b), even if the annexation takes effect less than one (1) year before the election.

(d) The city executive must reside within the city as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The executive forfeits office if the executive ceases to be a resident of the city.

(e) The term of office of a city executive is four (4) years, beginning at noon on January 1 after election and continuing until a successor is elected and qualified.

SECTION 151. IC 36-4-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) A common council, which is the city legislative body, shall be elected under:

(1) IC 3-10-6 before January 1, 2012; and

(2) IC 3-10-7.5 after December 31, 2011;

by the voters of each city.

(b) A person is eligible to be a member of the legislative body only if the person meets the qualifications prescribed by IC 3-8-1-27.

(c) Residency in territory that is annexed by the city before the person files a declaration of candidacy or petition of nomination is considered residency for the purposes of subsection (b), even if the annexation takes effect less than one (1) year before the election.

(d) A member of the legislative body must reside within:

(1) the city as provided in Article 6, Section 6 of the Constitution of the State of Indiana; and

(2) the district from which the member was elected, if applicable.

(e) A member forfeits office if the member ceases to be a resident of the district or city.

(f) The term of office of a member of the legislative body is four (4) years, beginning at noon on January 1 after election and continuing until a successor is elected and qualified.

SECTION 152. IC 36-4-6-3, AS AMENDED BY P.L.230-2005, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) This section applies only to second class

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- 1 cities.
- 2 (b) The legislative body shall adopt an ordinance to divide the city
- 3 into six (6) districts that:
- 4 (1) are composed of contiguous territory, except for territory that
- 5 is not contiguous to any other part of the city;
- 6 (2) are reasonably compact;
- 7 (3) do not cross precinct boundary lines, except as provided in
- 8 subsection (c) or (d); and
- 9 (4) contain, as nearly as is possible, equal population.
- 10 (c) The boundary of a city legislative body district may cross a
- 11 precinct boundary line if:
- 12 (1) more than one (1) member of the legislative body elected from
- 13 the districts established under subsection (b) resides in one (1)
- 14 precinct established under IC 3-11-1.5 after the most recent
- 15 ~~municipal~~ **general** election; and
- 16 (2) following the establishment of a legislative body district
- 17 whose boundary crosses a precinct boundary line, not more than
- 18 one (1) member of the legislative body elected from districts
- 19 resides within the same city legislative body district.
- 20 (d) The boundary of a city legislative body district may cross a
- 21 precinct line if the districts would not otherwise contain, as nearly as
- 22 is possible, equal population.
- 23 (e) A city legislative body district with a boundary described by
- 24 subsection (c) or (d) may not cross a census block boundary line:
- 25 (1) except when following a precinct boundary line; or
- 26 (2) unless the city legislative body certifies in the ordinance that
- 27 the census block has no population, and is not likely to ever have
- 28 population.
- 29 (f) The legislative body may not adopt an ordinance dividing the city
- 30 into districts with boundaries described by subsection (c) or (d) unless
- 31 the clerk of the city mails a written notice to the circuit court clerk. The
- 32 notice must:
- 33 (1) state that the legislative body is considering the adoption of an
- 34 ordinance described by this subsection; and
- 35 (2) be mailed not later than ten (10) days before the legislative
- 36 body adopts the ordinance.
- 37 (g) The division under subsection (b) shall be made:
- 38 (1) during the second year after a year in which a federal
- 39 decennial census is conducted; and
- 40 (2) when required to assign annexed territory to a district.
- 41 This division may be made at any other time, subject to IC 3-11-1.5-32.
- 42 (h) The legislative body is composed of six (6) members elected

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from the districts established under subsection (b) and three (3) at-large members.

(i) Each voter of the city may vote for three (3) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The three (3) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

(j) If any territory in the city is not included in one (1) of the districts established under this section, the territory is included in the district that:

(1) is contiguous to that territory; and

(2) contains the least population of all districts contiguous to that territory.

(k) If any territory in the city is included in more than one (1) of the districts established under this section, the territory is included in the district that:

(1) is one (1) of the districts in which the territory is described in the ordinance adopted under this section;

(2) is contiguous to that territory; and

(3) contains the least population of all districts contiguous to that territory.

(l) A copy of the ordinance establishing districts under this section must be filed with the circuit court clerk of the county that contains the greatest population of the city not later than thirty (30) days after the ordinance is adopted.

SECTION 153. IC 36-4-6-4, AS AMENDED BY P.L.169-2006, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) This section applies to third class cities, except as provided by section 5 of this chapter.

(b) This subsection does not apply to a city with an ordinance described by subsection (j) or (m). The legislative body shall adopt an ordinance to divide the city into five (5) districts that:

(1) are composed of contiguous territory, except for territory that is not contiguous to any other part of the city;

(2) are reasonably compact;

(3) do not cross precinct boundary lines except as provided in subsection (c) or (d); and

(4) contain, as nearly as is possible, equal population.

(c) The boundary of a city legislative body district may cross a precinct boundary line if:

(1) more than one (1) member of the legislative body elected from the districts established under subsection (b), (j), or (m) resides in

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one (1) precinct established under IC 3-11-1.5 after the most recent ~~municipal~~ **general** election; and

(2) following the establishment of a legislative body district whose boundary crosses a precinct boundary line, not more than one (1) member of the legislative body elected from the districts resides within the same city legislative body district.

(d) The boundary of a city legislative body district may cross a precinct line if the districts would not otherwise contain, as nearly as is possible, equal population.

(e) A city legislative body district with a boundary described by subsection (c) or (d) may not cross a census block boundary line:

- (1) except when following a precinct boundary line; or
- (2) unless the city legislative body certifies in the ordinance that the census block has no population, and is not likely to ever have population.

(f) The legislative body may not adopt an ordinance dividing the city into districts with boundaries described by subsection (c) or (d) unless the clerk of the city mails a written notice to the circuit court clerk. The notice must:

- (1) state that the legislative body is considering the adoption of an ordinance described by this subsection; and
- (2) be mailed not later than ten (10) days before the legislative body adopts the ordinance.

(g) The division under subsection (b), (j), or (m) shall be made:

- (1) during the second year after a year in which a federal decennial census is conducted; and
- (2) when required to assign annexed territory to a district.

This division may be made at any other time, subject to IC 3-11-1.5-32.

(h) This subsection does not apply to a city with an ordinance described by subsection (j) or (m). The legislative body is composed of five (5) members elected from the districts established under subsection (b) and two (2) at-large members.

(i) This subsection does not apply to a city with an ordinance described by subsection (j) or (m). Each voter of the city may vote for two (2) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The two (2) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

(j) A city may adopt an ordinance under this subsection to divide the city into four (4) districts that:

- (1) are composed of contiguous territory;

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(2) are reasonably compact;

(3) do not cross precinct boundary lines, except as provided in subsection (c) or (d); and

(4) contain, as nearly as is possible, equal population.

(k) This subsection applies to a city with an ordinance described by subsection (j). The legislative body is composed of four (4) members elected from the districts established under subsection (j) and three (3) at-large members.

(l) This subsection applies to a city with an ordinance described by subsection (j). Each voter of the city may vote for three (3) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The three (3) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

(m) This subsection applies only if the ordinance adopted under IC 36-4-1.5-3 by the town legislative body of a town that has a population of less than ten thousand (10,000) and that becomes a city specifies that the city legislative body districts are governed by this subsection. The ordinance adopted under IC 36-4-1.5-3(b)(1) dividing the town into city legislative body districts may provide that:

(1) the city shall be divided into three (3) districts that:

(A) are composed of contiguous territory;

(B) are reasonably compact;

(C) do not cross precinct boundary lines, except as provided in subsection (c) or (d); and

(D) contain, as nearly as is possible, equal population; and

(2) the legislative body of the city is composed of three (3) members elected from the districts established under this subsection and two (2) at-large members.

Each voter of the city may vote for two (2) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The two (2) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

(n) A copy of the ordinance establishing districts under this section must be filed with the circuit court clerk of the county that contains the greatest population of the city ~~no~~ **not** later than thirty (30) days after the ordinance is adopted.

(o) If any territory in the city is not included in one (1) of the districts established under this section, the territory is included in the district that:

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(1) is contiguous to that territory; and

(2) contains the least population of all districts contiguous to that territory.

(p) If any territory in the city is included in more than one (1) of the districts established under this section, the territory is included in the district that:

(1) is one (1) of the districts in which the territory is described in the ordinance adopted under this section;

(2) is contiguous to that territory; and

(3) contains the least population of all districts contiguous to that territory.

SECTION 154. IC 36-4-6-5, AS AMENDED BY P.L.230-2005, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) This section applies to third class cities having a population of less than ten thousand (10,000). The legislative body of such a city may, by ordinance adopted before September 1, 1982, decide to be governed by this section instead of section 4 of this chapter. If this ordinance is repealed after August 31, 1982, except as a part of a codification of ordinances that reenacts the ordinance under IC 36-1-5-6, then section 4 of this chapter again applies to the city. The clerk of the legislative body shall send a certified copy of any ordinance adopted under this subsection to the secretary of the county election board.

(b) This subsection does not apply to a city with an ordinance described by subsection (j). The legislative body shall adopt an ordinance to divide the city into four (4) districts that:

(1) are composed of contiguous territory, except for territory that is not contiguous to any other part of the city;

(2) are reasonably compact;

(3) do not cross precinct boundary lines except as provided in subsection (c) or (d); and

(4) contain, as nearly as is possible, equal population.

(c) The boundary of a city legislative body district may cross a precinct boundary line if:

(1) more than one (1) member of the legislative body elected from the districts established under subsection (b) or (j) resides in one (1) precinct established under IC 3-11-1.5 after the most recent ~~municipal~~ **general** election; and

(2) following the establishment of a legislative body district whose boundary crosses a precinct boundary line, not more than one (1) member of the legislative body elected from the districts resides within the same city legislative body district.

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(d) The boundary of a city legislative body district may cross a precinct line if the districts would not otherwise contain, as nearly as is possible, equal population.

(e) A city legislative body district with a boundary described by subsection (c) or (d) may not cross a census block boundary line:

- (1) except when following a precinct boundary line; or
- (2) unless the city legislative body certifies in the ordinance that the census block has no population, and is not likely to ever have population.

(f) The legislative body may not adopt an ordinance dividing the city into districts with boundaries described by subsection (c) or (d) unless the clerk of the city mails a written notice to the circuit court clerk. The notice must:

- (1) state that the legislative body is considering the adoption of an ordinance described by this subsection; and
- (2) be mailed not later than ten (10) days before the legislative body adopts the ordinance.

(g) The division under subsection (b) or (j) shall be made:

- (1) during the second year after a year in which a federal decennial census is conducted; and
- (2) when required to assign annexed territory to a district.

This division may be made at any other time, subject to IC 3-11-1.5-32.

(h) This subsection does not apply to a city with an ordinance described by subsection (j). The legislative body is composed of four (4) members elected from the districts established under subsection (b) and one (1) at-large member.

(i) This subsection does not apply to a city with an ordinance described by subsection (j). Each voter may vote for one (1) candidate for at-large membership and one (1) candidate from the district in which the voter resides. The at-large candidate receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

(j) A city may adopt an ordinance under this subsection to divide the city into three (3) districts that:

- (1) are composed of contiguous territory, except for territory that is not contiguous to any other part of the city;
- (2) are reasonably compact;
- (3) do not cross precinct boundary lines, except as provided in subsection (c) or (d); and
- (4) contain, as nearly as is possible, equal population.

(k) This subsection applies to a city with an ordinance described by subsection (j). The legislative body is composed of three (3) members

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1 elected from the districts established under subsection (j) and two (2)
2 at-large members.

3 (l) This subsection applies to a city with an ordinance described by
4 subsection (j). Each voter of the city may vote for two (2) candidates
5 for at-large membership and one (1) candidate from the district in
6 which the voter resides. The two (2) at-large candidates receiving the
7 most votes from the whole city and the district candidates receiving the
8 most votes from their respective districts are elected to the legislative
9 body.

10 (m) This subsection applies to a city having a population of less than
11 seven thousand (7,000). A legislative body of such a city that has, by
12 resolution adopted before May 7, 1991, decided to continue an election
13 process that permits each voter of the city to vote for one (1) candidate
14 at large and one (1) candidate from each of its four (4) council districts
15 may hold elections using that voting arrangement. The at-large
16 candidate and the candidate from each district receiving the most votes
17 from the whole city are elected to the legislative body. The districts
18 established in cities adopting such a resolution may cross precinct
19 boundary lines.

20 (n) A copy of the ordinance establishing districts under this section
21 must be filed with the circuit court clerk of the county that contains the
22 greatest population of the city not later than thirty (30) days after the
23 ordinance is adopted.

24 (o) If any territory in the city is not included in one (1) of the
25 districts established under this section, the territory is included in the
26 district that:

- 27 (1) is contiguous to that territory; and
- 28 (2) contains the least population of all districts contiguous to that
- 29 territory.

30 (p) If any territory in the city is included in more than one (1) of the
31 districts established under this section, the territory is included in the
32 district that:

- 33 (1) is one (1) of the districts in which the territory is described in
- 34 the ordinance adopted under this section;
- 35 (2) is contiguous to that territory; and
- 36 (3) contains the least population of all districts contiguous to that
- 37 territory.

38 SECTION 155. IC 36-4-10-2 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) **The legislative**
40 **body of a second class city shall appoint** a city clerk. ~~shall be elected~~
41 ~~under IC 3-10-6 by the voters of each second class city, and a city~~
42 ~~clerk-treasurer shall be elected under IC 3-10-6 by the voters of each~~

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1 ~~third class city.~~

2 (b) The city clerk ~~or clerk-treasurer~~ is the clerk of each city.

3 (c) The city controller appointed under IC 36-4-9-6 is the fiscal
4 officer of each second class city. ~~and the city clerk-treasurer is the~~
5 ~~fiscal officer of each third class city.~~

6 (d) The city controller of a second class city is not liable, in a
7 individual capacity, for any act or omission occurring in connection
8 with the performance of the city controller's duty as fiscal officer of the
9 second class city, unless the act or omission constitutes gross
10 negligence or an intentional disregard of the controller's duty.

11 (e) ~~The term of office of a city clerk or clerk-treasurer is four (4)~~
12 ~~years, beginning at noon on January 1 after election and continuing~~
13 ~~until a successor is elected and qualified; serves at the pleasure of the~~
14 ~~city legislative body.~~

15 (f) **An individual elected city clerk at the 2007 municipal**
16 **elections may continue to serve in that office until January 1, 2012.**
17 **The legislative body of the city shall appoint a city clerk if the**
18 **office becomes vacant before January 1, 2012. This subsection**
19 **expires December 31, 2012.**

20 SECTION 156. IC 36-4-10-2.3 IS ADDED TO THE INDIANA
21 CODE AS A NEW SECTION TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2009]: **Sec. 2.3. (a) The mayor of each third**
23 **class city shall appoint a clerk-treasurer.**

24 (b) **The clerk-treasurer is the clerk of a third class city.**

25 (c) **The clerk-treasurer is the fiscal officer of a third class city.**

26 (d) **The clerk-treasurer serves at the pleasure of the mayor.**

27 (e) **An individual elected city clerk-treasurer at the 2007**
28 **municipal elections may continue to serve in that office until**
29 **January 1, 2012. The mayor of the city shall appoint a city**
30 **clerk-treasurer if the office becomes vacant before January 1,**
31 **2012. This subsection expires December 31, 2012.**

32 SECTION 157. IC 36-4-10-3 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 3. (a) A person is**
34 **eligible to be the clerk only if the person meets the qualifications**
35 **prescribed by IC 3-8-1-28; has resided in the city for at least one (1)**
36 **year before the person's appointment.**

37 (b) **Residency in territory that is annexed by the city before the**
38 **election appointment is considered residency for the purposes of**
39 **subsection (a), even if the annexation takes effect less than one (1) year**
40 **before the election appointment.**

41 (c) **The clerk must reside within the city as provided in Article 6,**
42 **Section 6 of the Constitution of the State of Indiana. The clerk forfeits**

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office if the clerk ceases to be a resident of the city.

SECTION 158. IC 36-4-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. The clerk shall do the following:

- (1) Serve as clerk of the city legislative body under IC 36-4-6-9 and maintain custody of its records.
- (2) Maintain all records required by law.
- (3) Keep the city seal.
- (4) As soon as a successor is ~~elected~~ **appointed** and qualified, deliver to the successor all the records and property of the clerk's office.
- (5) Perform other duties prescribed by law.
- (6) Administer oaths when necessary in the discharge of the clerk's duties, without charging a fee.
- (7) Take depositions, without charging a fee.
- (8) Take ~~acknowledgement~~ **acknowledgment** of instruments that are required by statute to be acknowledged, without charging a fee.
- (9) Serve as clerk of the city court under IC 33-35-3-2, if the judge of the court does not serve as clerk of the court or appoint a clerk of the court under IC 33-35-3-1.

SECTION 159. IC 36-5-1-10.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10.1. (a) Except as provided in subsection (g), if the county executive makes the findings required by section 8 of this chapter, it may adopt an ordinance incorporating the town. The ordinance must:

- (1) provide that:
 - (A) all members of the town legislative body are to be elected at large (if the town would have a population of less than three thousand five hundred (3,500)); or
 - (B) divide the town into not less than three (3) nor more than seven (7) districts; and
- (2) direct the county election board to conduct an election in the town on the date of the next general ~~or municipal~~ election to be held in ~~any precincts in~~ the county.

An election conducted under this section must comply with IC 3 concerning town elections. If, on the date that an ordinance was adopted under this section, absentee ballots for a general ~~or municipal~~ election have been delivered under IC 3-11-4-15 for voters within a precinct in the town, the election must be conducted on the date of the next general ~~or municipal~~ election held in ~~any precincts in~~ the county after the election for which absentee balloting is being conducted.

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1 However, a primary election may not be conducted before an election
2 conducted under this section, regardless of the population of the town.

3 (b) Districts established by an ordinance adopted under this section
4 must comply with IC 3-11-1.5.

5 (c) If any territory in the town is not included in one (1) of the
6 districts established under this section, the territory is included in the
7 district that:

8 (1) is contiguous to that territory; and

9 (2) contains the least population of all districts contiguous to that
10 territory.

11 (d) If any territory in the town is included in more than one (1) of
12 the districts established under this section, the territory is included in
13 the district that:

14 (1) is one (1) of the districts in which the territory is described in
15 the ordinance adopted under this section;

16 (2) is contiguous to that territory; and

17 (3) contains the least population of all districts contiguous to that
18 territory.

19 (e) Except as provided in subsection (f), an ordinance adopted under
20 this section becomes effective when filed with:

21 (1) the office of the secretary of state; and

22 (2) the circuit court clerk of each county in which the town is
23 located.

24 (f) An ordinance incorporating a town under this section may not
25 take effect during the year preceding a year in which a federal
26 decennial census is conducted. An ordinance under this section that
27 would otherwise take effect during the year preceding a year in which
28 a federal decennial census is conducted takes effect January 2 of the
29 year in which a federal decennial census is conducted.

30 (g) Proceedings to incorporate a town across county boundaries
31 must have the approval of the county executive of each county that
32 contains a part of the proposed town. Each county that contains a part
33 of the proposed town must adopt identical ordinances providing for the
34 incorporation of the town.

35 SECTION 160. IC 36-5-1.1-10.6 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10.6. (a) This section
37 applies to included towns.

38 (b) The dissolution of a town under this section may be instituted by
39 filing a petition with the county board of registration. The petition must
40 be signed by at least the number of the registered voters of the town
41 required to place a candidate on the ballot under IC 3-8-6-3. The
42 petition must be filed not later than June 1 of a year in which a general

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1 ~~or municipal~~ election will be held.

2 (c) If a petition meets the criteria set forth in subsection (b), the
3 county board of registration shall certify the public question to the
4 county election board under IC 3-10-9-3. The county election board
5 shall place the question of dissolution on the ballot provided for voters
6 in the included town at the first general ~~or municipal~~ election following
7 certification. The question shall be placed on the ballot in the form
8 prescribed by IC 3-10-9-4 and must state "Shall the town of _____
9 dissolve?".

10 (d) If the public question is approved by a majority of the voters
11 voting on the question, the county election board shall file a copy of the
12 certification prepared under IC 3-12-4-9 concerning the public question
13 described by this section with the following:

- 14 (1) The circuit court clerk of the county.
15 (2) The office of the secretary of state.

16 (e) Except as provided in subsection (f), dissolution occurs:

- 17 (1) at least sixty (60) days after certification under IC 3-12-4-9;
18 and
19 (2) when the certification is filed under subsection (d).

20 (f) A dissolution under this section may not take effect during the
21 year preceding a year in which a federal decennial census is conducted.
22 A dissolution under this section that would otherwise take effect during
23 the year preceding a year in which the federal decennial census is
24 conducted takes effect January 2 of the year in which a federal
25 decennial census is conducted.

26 (g) When a town is dissolved under this section:

- 27 (1) the territory included within the town when the ordinance was
28 adopted becomes a part of the consolidated city;
29 (2) the books and records of the town become the property of the
30 county executive;
31 (3) the property owned by the town after payment of debts and
32 liabilities shall be disposed of by the county executive; and
33 (4) the county executive shall deposit any proceeds remaining
34 after payment of debts and liabilities into the county general fund.

35 (h) The dissolution of a town under this section does not affect the
36 validity of a contract to which the town is a party.

37 SECTION 161. IC 36-5-2-2 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. The town council
39 elected under:

- 40 (1) IC 3-10-6 or IC 3-10-7 **before January 1, 2012; and**
41 (2) **IC 3-10-7.5 after December 31, 2011;**

42 is the town legislative body. The president of the town council selected

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under section 7 of this chapter is the town executive.

SECTION 162. IC 36-5-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) Except as provided in subsection (b), (c), (d), (e), or (f), the term of office of a member of the legislative body is four (4) years, beginning at noon January 1 after the member's election and continuing until the member's successor is elected and qualified.

(b) The term of office of a member of the legislative body appointed to fill a vacancy resulting from an increase in the number of town legislative body members under section 4.2 of this chapter:

(1) begins when the ordinance increasing the number of legislative body members takes effect, or when the member is appointed under IC 3-13-9-4, if the appointment is made after the ordinance takes effect; and

(2) continues until noon January 1 following the next ~~municipal~~ **general** election scheduled under:

(A) IC 3-10-6-5 or IC 3-10-7-6 before January 1, 2012; and
(B) IC 3-10-7.5 after December 31, 2011;

and until the member's successor is elected and qualified.

(c) The term of office of a member of the legislative body elected under IC 36-5-1-10.1 following the incorporation of the town:

(1) begins at noon November 30 following the election; and

(2) continues until noon January 1 following the next ~~municipal~~ **general** election scheduled under:

(A) IC 3-10-6-5 or IC 3-10-7-6 before January 1, 2012; and
(B) IC 3-10-7.5 after December 31, 2011;

and until the member's successor is elected and qualified.

(d) The term of office of a member of the legislative body subject to IC 3-10-6-2.5(d)(1) is three (3) years, beginning at noon January 1 after the member's election and continuing until the member's successor is elected and qualified.

(e) The term of office of a member of a legislative body subject to an ordinance described by IC 3-10-6-2.6 is one (1) year, beginning at noon January 1 after the member's election and continuing until the member's successor is elected and qualified.

(f) The term of office of a member of a legislative body subject to an ordinance described by IC 3-10-7-2.7 is:

(1) three (3) years if the member is elected at the next municipal election not conducted in a general election year; and

(2) four (4) years for the successors of a member of a legislative body described in subdivision (1);

beginning noon January 1 after election and continuing until a

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1 successor is elected and qualified.

2 SECTION 163. IC 36-5-2-4.1, AS AMENDED BY P.L.230-2005,
3 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2009]: Sec. 4.1. (a) The legislative body may, by ordinance,
5 divide the town into districts for the purpose of conducting elections of
6 town officers.

7 (b) A town legislative body district must comply with the following
8 standards:

9 (1) The district must be composed of contiguous territory, except
10 for territory that is not contiguous to any other part of the town.

11 (2) The district must be reasonably compact.

12 (3) The district must contain, as nearly as is possible, equal
13 population.

14 (4) The district may not cross a census block boundary except
15 when following a precinct boundary line or unless the ordinance
16 specifies that the census block has no population and is not likely
17 to ever have population.

18 (5) The district may not cross precinct lines, except as provided
19 in subsection (c).

20 (c) The boundary of a town legislative body district established
21 under subsection (a) may cross a precinct boundary line if:

22 (1) the legislative body provides by ordinance under section 5 of
23 this chapter that all legislative body members are to be elected at
24 large by the voters of the whole town; or

25 (2) the district would not otherwise contain, as nearly as is
26 possible, equal population.

27 (d) If any territory in the town is not included in one (1) of the
28 districts established under this section, the territory is included in the
29 district that:

30 (1) is contiguous to that territory; and

31 (2) contains the least population of all districts contiguous to that
32 territory.

33 (e) If any territory in the town is included in more than one (1) of the
34 districts established under this section, the territory is included in the
35 district that:

36 (1) is one (1) of the districts in which the territory is described in
37 the ordinance adopted under this section;

38 (2) is contiguous to that territory; and

39 (3) contains the least population of all districts contiguous to that
40 territory.

41 (f) The ordinance may be appealed in the manner prescribed by
42 IC 34-13-6. If the town is located in two (2) or more counties, the

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1 appeal may be filed in the circuit or superior court of any of those
2 counties.

3 (g) This subsection does not apply to a town with an ordinance
4 described by subsection (h). The division permitted by subsection (a)
5 shall be made:

- 6 (1) during the second year after a year in which a federal
7 decennial census is conducted, subject to IC 3-11-1.5-32; and
8 (2) when required to assign annexed territory to a municipal
9 legislative body district.

10 The division may also be made in any other year.

11 (h) This subsection applies to a town having a population of less
12 than three thousand five hundred (3,500). The town legislative body
13 may adopt an ordinance providing that:

- 14 (1) town legislative body districts are abolished; and
15 (2) all members of the legislative body are elected at large.

16 (i) An ordinance described by subsection (h):

- 17 (1) may not be adopted or repealed during a year in which a
18 ~~municipal~~ **general** election is scheduled to be conducted in the
19 town under:

20 (A) IC 3-10-6 or IC 3-10-7 **before January 1, 2012; and**

21 (B) **IC 3-10-7.5 after December 31, 2011; and**

- 22 (2) is effective upon passage.

23 (j) A copy of the ordinance establishing districts under this section
24 must be filed with the circuit court clerk of the county that contains the
25 greatest population of the town not later than thirty (30) days after the
26 ordinance is adopted.

27 SECTION 164. IC 36-5-2-4.2 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4.2. (a) This section
29 applies to the alteration of the number of members of a legislative
30 body.

31 (b) The legislative body may adopt a resolution to submit a public
32 question on the number of legislative body members to the voters of the
33 town. The resolution must state the following:

- 34 (1) The proposed number of legislative body members, which
35 must be at least three (3) and not more than seven (7).

36 (2) The date of the general ~~municipal~~, or special election at which
37 the public question will appear on the ballot.

38 (3) That the following question will be placed on the ballot in the
39 form provided by IC 3-10-9-4:

40 "Shall the number of town council members be increased (or
41 decreased, if applicable) from _____ (insert the current
42 number of members provided for) to _____ (insert the

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1 number of members proposed in the resolution)?".

2 (c) IC 3 applies to an election conducted under subsection (b). If the
3 county election board will conduct the election at which the public
4 question will be submitted, the question must be certified to the board
5 under IC 3-10-9-3.

6 (d) If a majority of the votes cast on the question under subsection
7 (b) are in the negative, the legislative body may not adopt a resolution
8 under subsection (b) for at least one (1) year following the date the
9 prior resolution was adopted.

10 (e) If a majority of votes cast on the question under subsection (b)
11 are in the affirmative, the legislative body shall adopt an ordinance at
12 its next regular meeting following the election altering the number of
13 legislative body members to the number specified in the public
14 question. The legislative body may also alter existing districts and
15 establish new districts in the manner prescribed by IC 36-5-1-10.1. An
16 ordinance adopted under this subsection becomes effective January 1
17 following its adoption.

18 (f) If the number of legislative body members is increased, the
19 legislative body shall fill any resulting vacancy under IC 3-13-9-4. The
20 legislative body may fill the vacancy before the ordinance described in
21 subsection (e) takes effect. However, a town legislative body member
22 appointed under this subsection does not assume office until the
23 beginning of the term specified in section 3 of this chapter.

24 SECTION 165. IC 36-5-2-4.5 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4.5. (a) This section
26 applies to a town if both of the following apply:

27 (1) The town has a population of more than ten thousand
28 (10,000).

29 (2) The town legislative body adopts an ordinance adopting the
30 provisions of this section. A town may not adopt an ordinance
31 under this section during a year in which ~~municipal elections are~~
32 **a general election is held under:**

33 **(A) IC 3-10-6-5 before January 1, 2012; and**

34 **(B) IC 3-10-7.5 after December 31, 2011.**

35 (b) A town legislative body has the following members:

36 (1) Five (5) members, each elected by the voters of a district. The
37 districts are established by ordinance by the town legislative body
38 as provided in this chapter.

39 (2) Two (2) members elected at large by all the voters of the town.

40 (c) An ordinance adopted under this section must provide for the
41 following:

42 (1) Four (4) members of the legislative body are elected during a

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year that ~~municipal elections are~~ **a general election is** held under:

(A) IC 3-10-6-5 **before January 1, 2012; and**

(B) IC 3-10-7.5 **after December 31, 2011.**

(2) Three (3) members of the legislative body are elected either:

(A) during ~~the a~~ **a presidential election** year; ~~before the year described in subdivision (1);~~ or

(B) during ~~the a~~ **a nonpresidential election** year. ~~after the year described in subdivision (1);~~

The year for elections under this subdivision must be chosen so that during the elections held for the town legislative body under subdivision (4), a member of the town legislative body does not serve a term of more than four (4) years.

(3) The members of the legislative body elected at large may not be elected at the same time.

(4) At the first two (2) elections after the ordinance is adopted, members are elected to serve the following terms:

(A) Two (2) members elected under subdivision (1) are elected to a four (4) year term and two (2) members elected under subdivision (1) are elected to a ~~three (3)~~ **two (2)** year term.

(B) Two (2) members elected under subdivision (2) are elected to a four (4) year term and one (1) member elected under subdivision (2) is elected to a ~~three (3)~~ **two (2)** year term.

The ordinance must provide a random procedure to determine which members serve four (4) year terms and which members serve ~~three (3)~~ **two (2)** year terms.

(5) A member of the town council elected after the elections described in subdivision (4) serves a term of four (4) years.

(6) The term of office of a member begins at noon January 1 after the member's election.

(d) An ordinance adopted under this section may provide that before the first election after adoption of the ordinance, members of the town legislative body added to the legislative body by the ordinance may be appointed to the legislative body by a vote of the current members of the legislative body.

(e) After the first two (2) elections held as described in subsection (c)(4), the town legislative body may adopt an ordinance to do the following:

(1) Divide the town into seven (7) districts.

(2) Provide that the members elected at large are each elected from a district.

An ordinance adopted under this subsection must comply with this

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chapter in establishing the districts and provide details to provide a transition from electing two (2) members at large to electing all members from districts.

(f) Subject to this section, members of the town legislative body are elected as provided in:

(1) IC 3-10-6-4.5 **before January 1, 2012; and**

(2) **IC 3-10-7.5 after December 31, 2011.**

SECTION 166. IC 36-5-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The clerk-treasurer must reside within the town as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The clerk-treasurer forfeits office if the clerk-treasurer ceases to be a resident of the town.

(b) Except as provided in subsection (c) or (d), the term of office of the clerk-treasurer is four (4) years, beginning at noon January 1 after election and continuing until a successor is elected and qualified.

(c) The term of office of a clerk-treasurer elected under IC 36-5-1-10.1 following the incorporation of the town:

(1) begins at noon November 30 following the election; and

(2) continues until noon January 1 following the next ~~municipal~~ **general** election scheduled under:

(A) IC 3-10-6-5 or IC 3-10-7-6 **before January 1, 2012; and**

(B) **IC 3-10-7.5 after December 31, 2011;**

and until the clerk-treasurer's successor is elected and qualified.

(d) The term of office of a clerk-treasurer subject to an ordinance described by IC 3-10-6-2.6 is:

(1) one (1) year if the clerk-treasurer is elected at the next municipal election not conducted in a general election year; and

(2) four (4) years for the successors of the clerk-treasurer described in subdivision (1);

beginning at noon January 1 after the clerk-treasurer's election and continuing until the clerk-treasurer's successor is elected and qualified.

This subsection expires January 1, 2016.

(e) The term of office of a clerk-treasurer subject to an ordinance described by IC 3-10-7-2.7 is:

(1) three (3) years if the clerk-treasurer is elected at the next municipal election not conducted in a general election year; and

(2) four (4) years for the successors of the clerk-treasurer described in subdivision (1);

beginning noon January 1 after the clerk-treasurer's election and continuing until the clerk-treasurer's successor is elected and qualified.

This subsection expires January 1, 2016.

SECTION 167. IC 36-8-3-12 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. **Subject to**
 2 **IC 3-5-9-4**, members of the safety board and members of any township,
 3 town, or city (including a consolidated city) police department, fire
 4 department, or volunteer fire department (as defined by IC 36-8-12-2)
 5 may:

- 6 (1) be candidates for elective office and serve in that office if
- 7 elected;
- 8 (2) be appointed to any office and serve in that office if appointed;
- 9 and
- 10 (3) as long as they are not in uniform and not on duty, solicit votes
- 11 and campaign funds and challenge voters for the office for which
- 12 they are candidates.

13 SECTION 168. IC 36-8-10-11 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) The sheriff may
 15 dismiss, demote, or temporarily suspend a county police officer for
 16 cause after preferring charges in writing and after a fair public hearing
 17 before the board, which is reviewable in the circuit court. Written
 18 notice of the charges and hearing must be delivered by certified mail
 19 to the officer to be disciplined at least fourteen (14) days before the
 20 date set for the hearing. The officer may be represented by counsel. The
 21 board shall make specific findings of fact in writing to support its
 22 decision.

23 (b) The sheriff may temporarily suspend an officer with or without
 24 pay for a period not exceeding fifteen (15) days, without a hearing
 25 before the board, after preferring charges of misconduct in writing
 26 delivered to the officer.

27 (c) A county police officer may not be dismissed, demoted, or
 28 temporarily suspended because of political affiliation nor after the
 29 officer's probationary period, except as provided in this section.

30 **Subject to IC 3-5-9-4**, an officer may:

- 31 (1) be a candidate for elective office and serve in that office if
- 32 elected;
- 33 (2) be appointed to an office and serve in that office if appointed;
- 34 and
- 35 (3) except when in uniform or on duty, solicit votes or campaign
- 36 funds for the officer or others.

37 (d) The board has subpoena powers enforceable by the circuit court
 38 for hearings under this section. An officer on probation may be
 39 dismissed by the sheriff without a right to a hearing.

40 (e) An appeal under subsection (a) must be taken by filing in court,
 41 within thirty (30) days after the date the decision is rendered, a verified
 42 complaint stating in a concise manner the general nature of the charges

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1 against the officer, the decision of the board, and a demand for the
 2 relief asserted by the officer. A bond must also be filed that guarantees
 3 the appeal will be prosecuted to a final determination and that the
 4 plaintiff will pay all costs only if the court finds that the board's
 5 decision should be affirmed. The bond must be approved as bonds for
 6 costs are approved in other cases. The county must be named as the
 7 sole defendant and the plaintiff shall have a summons issued as in other
 8 cases against the county. Neither the board nor the members of it may
 9 be made parties defendant to the complaint, but all are bound by
 10 service upon the county and the judgment rendered by the court.

11 (f) All appeals shall be tried by the court. The appeal shall be heard
 12 de novo only upon any new issues related to the charges upon which
 13 the decision of the board was made. Within ten (10) days after the
 14 service of summons, the board shall file in court a complete written
 15 transcript of all papers, entries, and other parts of the record relating to
 16 the particular case. Inspection of these documents by the person
 17 affected, or by the person's agent, must be permitted by the board
 18 before the appeal is filed, if requested. The court shall review the
 19 record and decision of the board on appeal.

20 (g) The court shall make specific findings and state the conclusions
 21 of law upon which its decision is made. If the court finds that the
 22 decision of the board appealed from should in all things be affirmed,
 23 its judgment should so state. If the court finds that the decision of the
 24 board appealed from should not be affirmed in all things, then the court
 25 shall make a general finding, setting out sufficient facts to show the
 26 nature of the proceeding and the court's decision on it. The court shall
 27 either:

- 28 (1) reverse the decision of the board; or
- 29 (2) order the decision of the board to be modified.

30 (h) The final judgment of the court may be appealed by either party.
 31 Upon the final disposition of the appeal by the courts, the clerk shall
 32 certify and file a copy of the final judgment of the court to the board,
 33 which shall conform its decisions and records to the order and
 34 judgment of the court. If the decision is reversed or modified, then the
 35 board shall pay to the party entitled to it any salary or wages withheld
 36 from the party pending the appeal and to which the party is entitled
 37 under the judgment of the court.

38 (i) Either party shall be allowed a change of venue from the court or
 39 a change of judge in the same manner as such changes are allowed in
 40 civil cases. The rules of trial procedure govern in all matters of
 41 procedure upon the appeal that are not otherwise provided for by this
 42 section.

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1 (j) An appeal takes precedence over other pending litigation and
2 shall be tried and determined by the court as soon as practical.

3 SECTION 169. IC 36-10-3-35 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 35. (a) If the fiscal
5 body approves the petition and adopts the ordinance presented under
6 section 34 of this chapter, the ordinance takes effect.

7 (b) After the adoption of the ordinance, the fiscal body shall certify
8 the question under IC 3-10-9-3 to the county election board of the
9 county containing the greatest percentage of population of the
10 municipality and fix a date for a special election to be held not later
11 than ninety (90) days after adoption. However, if a primary ~~or~~ general
12 ~~or municipal~~ election will be conducted in each precinct in the affected
13 area not later than six (6) months after the ordinance is adopted, the
14 special election shall be conducted on the same day as the primary ~~or~~
15 general ~~or special~~ election. The election shall be held by the county
16 election board in the area described in the petition. IC 3-10-8-6 applies
17 to the special election. Any voter residing in the affected area may vote
18 in the election.

19 (c) The county election board shall give public notice of the special
20 election in accordance with IC 3-10-2-2.

21 (d) The ballot must be in the form prescribed by IC 3-10-9-4 and
22 must state "Shall park and recreation services be extended?".

23 (e) If the special election is not conducted at a general ~~election~~
24 ~~municipal election~~, or primary election, the fiscal body shall
25 appropriate a sum sufficient to defray the cost of the ballots and to pay
26 the expense of the election as prescribed by IC 3. The appropriation
27 may be from the general fund or by transfer from the operating budget
28 of the department.

29 SECTION 170. THE FOLLOWING ARE REPEALED
30 [EFFECTIVE JULY 1, 2009]: IC 3-8-1-28; IC 3-8-2-2.2; IC 3-11-18-2;
31 IC 3-11-18-18; IC 3-11-18-19; IC 3-11-18-20; IC 3-13-8-6;
32 IC 3-13-8-9; IC 20-23-4-29; IC 20-23-7-8; IC 20-23-13-2;
33 IC 33-35-1-2; IC 36-4-2-8.

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